



LORENZ von STEIN
The Social Movement in France

251
The History of
THE SOCIAL MOVEMENT
in France, 1789 - 1850

Introduced and
translated by
Kaethe Mengelberg

LORENZ von STEIN

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by Kaethe Mengelberg

LXVII - 1850
SALAMANCA

**Lorenz von Stein: THE HISTORY OF THE
SOCIAL MOVEMENT IN FRANCE,
1789-1850**

*Translated, introduced, and edited by
Kaethe Mengelberg*

This is the first and only English edition of a classical work, which, like a nest of Chinese boxes, can be appreciated on many levels. The outside box is simply the history of the French Revolution. It is a famous and early guide to the Revolution for the German-speaking world, written with intensity and insight, by a brilliant young man who went to study in Paris in the 1840s. The second box is socialism. Stein's book became the standard source of knowledge about socialism before Marxism developed its full-fledged force. It continued for more than half a century to be an inspiration for reformist movements. Indeed, many of its theses remain very much alive today. For example, von Stein's delineation of the limited importance of constitutional reform as compared to changes in property distribution, and his contention that voting rights are ineffectual as long as chances to acquire property and education are restricted, help us to understand puzzling problems of today as well as yesterday.

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The third box is social theory. Stein developed a theory of society, coined terms such as "the proletariat" and used them objectively, and formulated verifiable propositions about class struggles and social change. His book is essential to the history of sociology and political science. Clearly some of Marx's ideas were developed under his influence. The alternative outcomes of the class struggle, according to von Stein, are "revolution or reform." This position was rejected by Marx in favor of "the inevitable revolution," but the evidence we have accumulated since then seems to favor von Stein's theory.

The innermost box in von Stein's work is Hegelianism. We have here a readable Hegelian conception of society. Bursts of sudden changes due to accumulation of dissonances are seen as the key to history. Sociologists later abandoned this mechanism of change in favor of the equilibrium mechanism. However, in recent years disenchantment has grown with the equilibrium models and interest again turns to the older model. Thus, von Stein's work is not only of historical importance, great as that may be; it meets also the test of a classical work because we return to it many years later to find cues and inspirations for the best ways of dealing with our current problems.



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Contents

INTRODUCTION BY KAETHE MENGELBERG

Lorenz von Stein, His Life and Work 3

Life and Career. 3. Stein's View of the Social Processes 11.
The "History of the Social Movement in France" 18. Stein's
Position in the History of Social Thought 25. Stein and the
Socialists 25. Stein and the Social Reformers 33. Stein's
Changing Perspective 36.

PART ONE

THE CONCEPT OF SOCIETY AND THE SOCIAL HISTORY OF THE FRENCH REVOLUTION UNTIL 1830

PRELIMINARY DISCOURSE:

THE CONCEPT OF SOCIETY AND ITS DYNAMIC LAWS 41

Introduction 43

The Concept of Society 44

The Community of Men and its Unity 44. The Organism of
Economic Life 45. The Order of the Human Community 46.
The Concept of Society 48.

The Principles of the State and of Society 50

The Concept of the Life of the Community 50. The Principle
of the State 52. The Principle of Society 54.

Origin and Concept of Social Dependence 56

The Initial Source of Dependence 56. How the Ruling Social
Class Gains Control of the State 58. The Actual Development
of Social Domination: Class, Social Privilege, Estate and Caste 60.
The Concept of Social Dependence 64.

The Principle and the Development of Social Independence 66

The Point of Departure. 66. The Basis of All Movements
Toward Independence 68. The Preconditions for the Develop-
ment of Social Independence 71. Basis and Origin of the
Political Movement 73. Concept of Political Reform 75.
Concept and Law of Political Revolution 75.

The Social Movement	79
The Foundation, the Concept and the Principle of the Social Movement	79.
Communism, Socialism and the Idea of Social Democracy	83.
The Idea of Social Democracy	86.
Social Revolution	88.
Social Reform	91.

A Final Consideration: Germany and France	93
---	----

SOCIAL HISTORY OF THE FRENCH REVOLUTION UNTIL 1830 97

Introduction: The Elements of the French Revolution	97
Condition and Inner Contradiction of French Society before the Revolution	97.
The Position of the State in France before the Revolution	100.
The Origin of the Ideas of Liberty and Equality	103.
The Principle of Equality and the New Ideas of Political Liberty	106.

CHAPTER ONE: THE FRENCH REVOLUTION 111

The Rule of the Third Estate	111
The Notables of 1787 and 1788	111.
The Estates General and the Constituent Assembly	114.
The Declaration of the Rights of Man, the First Principle of the New Society and the New Order of Property Rights	117.
The Third Estate and the Two Elements of the New Society. Its Contradictions. The Introduction of Property Qualifications	121.

The Transition to the Democratic-Communitic Period	126
The Gradual Separation of the Two Classes. The National Guard and the Clubs. Their First Clash	126.
The Downfall of the Monarchy	131.

The Democratic-Communitic Period	138
The Two Interpretations of Equality. The Downfall of the Gironde	138.
Pure Democracy and the Constitution of 1793	143.
Terrorism	146.
The Forerunners of the Idea of Communism and of Social Democracy	154.
Babeuf and the first Manifestations of Communism	159.
The Fall of the Alliance	170.

Transition to the New Principle of Society	172
French Society after the Reign of Terror and the Constitution of 1795	172.

CHAPTER TWO: THE EMPIRE

180

Introduction: The Foundation of the Acquisitive Society	180
The Origin of the Empire	180
The Last Elements of Fendal Society and the Emergence of the Moneyed Power	180.
The Position of the New Army	184.
The Coup d'Etat of the 18th Fructidor of the Year V (Sept. 4th, 1797)	187.
Napoleon	189.
Transition from the Constitution to the Actual Organization of the State. The 18th Brumaire Anno VII (November, 10th, 1799). The Constitution of 1799 and the Senatus Consulte Organique of 1802	193.
The Organic Laws. The Code Civil and its Social Implication	197.
The Empire	202
Napoleon's Constitutions	202.
The Imperial Order of French Society. The Nobility of the Empire and the Entails	205.
Concept and Origin of the Acquisitive Society	210.
Transition to the Next Period	214.

CHAPTER THREE: THE RESTORATION

216

Origin, Struggle and Victory of Civil Society	21
The Acquisitive Society and the First Principle of the French Constitution	216.
The Concept of Citizenship of the Civil Constitution and of Civil Society	220.
The Fall of Napoleon, the New Monarchy and the Charter of June 4th, 1814	223.
The Restoration and the July Revolution	228.

PART TWO

INDUSTRIAL SOCIETY, SOCIALISM AND COMMUNISM IN FRANCE, 1830-1848

Introduction: The Character of the New Era	239
--	-----

CHAPTER ONE: INDUSTRIAL SOCIETY, ITS DOMINATION AND ITS CONTRADICTION 244

Industrial Society and the Rule of Capital Ownership	244
The Relationship of Industrial Society to the State	249
Constitutionalism	249.
Constitutional Parliament and its Position within the State	251.
Constitutional Monarchy	253.
The Dependent Class in Industrial Society	255
The Origin of the Antagonism	255.
The Proletariat. The Emergence of the Industrial Working Class	256.
The Proletariat (continued)—The Wage Relationship, the Dependence of the Working Class	259
The Proletariat (continued)—Pauperism, its Nature and Consequences	262.
Conclusions: the Proletariat Proper	265.

The Social Movement of the Lower Class	269
The Proletariat and the Negation of Personal Property and of the Family	269.
The Interpretations and Stages of the Social Movement	275.

CHAPTER TWO: SOCIALISM, COMMUNISM AND THE REPUBLICAN MOVEMENT 278

Socialism	278
Communism and its Relationship to Socialism	282
Republicanism 1830-1835	287
The Nature of Republicanism	287.
The Struggle and Defeat of Republicanism	292.
The Transition to the First Purely Social Movement—Communism	296.
The Two Principles of Communism since 1835	301.
The Reform Movement since 1841	302
The General Character of the Reform Movement	303.
The Social Reformers	306.
The Political Reform Movement and the Beginning of Social Democracy	311.

PART THREE

THE MONARCHY, THE REPUBLIC AND THE SOVEREIGNTY OF FRENCH SOCIETY SINCE THE FEBRUARY REVOLUTION, 1848

CHAPTER ONE: THE JULY MONARCHY, ITS STRUGGLE WITH INDUSTRIAL SOCIETY AND ITS DOWNFALL 319

The Monarchy and the Ruling Class	319.
The Position of the July Monarchy in French Society	321.
The Concept of Legitimacy and of Personal Government in the July Monarchy	322.
The Development of the Principle of Personal Government	325.
Louis Philippe's Struggle with Industrial Society	329.
The Downfall of the Monarchy	335.

CHAPTER TWO: THE REPUBLIC AND THE SOVEREIGNTY OF SOCIETY 340

The Revolution of February, 1848	340.
The Sovereignty of Society	346.
The Elements of Ownership and the Law Resulting from their Relationship	349.
The Republic of the Industrial Society	351.
(The Republic of Industrial Ownership)	351.

The Republic of Industrial Non-ownership	355.)
The Antagonism of the two Republics and the End of the Sovereignty of Industrial Society through Civil War	359.
Society and the Republic of Mutual Interests	362.

CHAPTER THREE: THE SOVEREIGNTY OF THE INDUSTRIAL SOCIETY IN FRANCE SINCE THE FEBRUARY REVOLUTION 369

Introduction	369
The Character of the Provisional Government. Lamartine. The Basis of the Social Struggle	371.
The General Movements. The Press and the Clubs	376.
The First Laws and Measures of the Provisional Government. The Proletariat constitutes itself	379.
The <i>Ateliers Nationaux</i>	382.
Louis Blanc and State-Socialism	387.
February 28th. The <i>Ministère du Progrès</i> . The Conferences of the Luxembourg	392.
The Proletariat during the Sovereignty of Industrial Society	397.
The Struggle of the two Classes	399.
The Struggle between Capital and Labor for the Constitution	416.

CONCLUDING REMARKS 422

Notes on the Translation	430.
--------------------------	------

Bibliographies	433
Books and articles by L. v. Stein	433.
Books and articles on L. v. Stein, or with extensive reference to Stein, including dissertations, encyclopedia articles and obituaries	438.
Books and articles with occasional reference to Stein, including textbooks	442.
Other general literature related to the <i>Introduction</i>	445.

Outline of the Original Work (1850)	446
-------------------------------------	-----

Index	454
-------	-----

Appendix

OUTLINE OF THE ORIGINAL WORK (1850)

Brackets ([]) indicate sections omitted in this translation

VOLUME I

THE CONCEPT OF SOCIETY AND THE SOCIAL HISTORY OF THE FRENCH REVOLUTION UNTIL 1830

A. THE CONCEPT OF SOCIETY AND ITS DYNAMIC LAWS

Introduction

I *Concept of Society*

- 1) The Community of Men and its Unity
- 2) The Organism of Economic Life
- 3) The Order of the Human Community
- 4) The Concept of Society

II *The Principles of the State and of Society*

- 1) The Concept of the Life of the Community
- 2) The Principle of the State
- 3) The Principle of Society

III *Origin and Concept of Social Dependence*

- 1) The Initial Source of Dependence
- 2) How the Ruling Social Class Gains Control of the State
- 3) The Actual Development of Social Domination. Class, Social Privileges, Estate and Caste
- 4) The Concept of Social Dependence

IV *The Principle and the Development of Social Independence*

- 1) The Point of Departure
- 2) The Basis of All Movements Towards Social Independence
- 3) The Preconditions of the Development of Social Independence
- 4) Basis and Origin of the Political Movement
- 5) Concept of Political Reform
- 6) Concept and Law of Political Revolution

V *The Social Movement*

- 1) Foundation, Concept and Principle of the Social Movement
- 2) Communism, Socialism and the Idea of Social Democracy
- 3) The Idea of Social Democracy and its two Systems
- 4) Social Revolution
- 5) Social Reform

VI *A Final Consideration: Germany and France*

B. THE SOCIAL HISTORY OF THE FRENCH REVOLUTION UNTIL 1830

Introduction: Elements of the French Revolution

- 1) The Condition and Inner Contradiction of French Society before the Revolution
- 2) The Position of the State in France before the Revolution
- 3) The Origin of the Ideas of Liberty and Equality
- 4) The Principle of Equality and the New Ideas of Political Liberty

Part One. The French Revolution

First Section: The Rule of the Third Estate

- 1) The Notables of 1787 and 1788
- 2) The "États Généraux" and the Constituent National Assembly
- 3) The Declaration of the Rights of Man, the First Principle of the New Society and the New Order of Property Rights
- [4) The New Public Law and the Constitution of 1791
- 5) The Third Estate and the Two Elements of the New Society; its Contradictions; the First *Zensus*

Second Section: The Transition to the Democratic-Communitistic Period

- 1) The Gradual Separation of the Two Classes
The National Guard and the Clubs. Their first Clash
- 2) The Downfall of the Monarchy

Third Section: The Democratic-Communitistic Period

- 1) The Two Interpretations of Equality
The Downfall of the Girondé
- 2) Political Democracy and the Constitution of 1793
- 3) Terrorism

- 4) The Forerunners of the Idea of Communism and of Social Democracy
- 5) Babeuf and the First Manifestation of Communism
- 6) The "Fragment of a Project of the Economic Decree"
- 7) The Fall of the Alliance

Fourth Section: Transition to the New Principle of Society

Society after Terrorism and the Constitution of 1795

Part Two. The Empire

Introduction: The Foundation of the Acquisitive Society

First Section: The Origin of the Empire

- 1) Last Elements of Feudal Society and the Emergence of the Moneyed Power
- 2) The Position of the New Army
- 3) The Coup d'Etat of the 18th Fructidor of the Year V (Sept. 4th, 1797)
- 4) Napoleon
- 5) Transition from the Constitution to the Actual Organization of the State; the 18th Brumaire Anno VII (November 10th, 1799); the Constitution of 1799 and the *Senatus Consulte Organique* of 1802.
- 6) The Organic Laws. The Code Civil and its Social Implication

Second Section: The Empire

- 1) Napoleon's Constitutions
- 2) The Imperial Order of French Society
The Nobility of the Empire and the Entails
- 3) Concept and Origin of the Acquisitive Society
- 4) Retrospective View and Transition of the Next Period

Part Three. The Restoration

Origin, Struggle and Victory of Civil Society

- 1) The Acquisitive Society and the First Principle of its Political Constitution
- 2) The Concept of Citizenship, of Civil Constitution and of Civil Society
- 3) The Fall of Napoleon, the New Monarchy and the Charter of June 4th, 1814
- 4) The Restoration and the July Revolution

VOLUME II

THE INDUSTRIAL SOCIETY, SOCIALISM AND COMMUNISM IN
FRANCE, 1830-1848

Introduction: The Charter of the New Era

Part One. Industrial Society, its Domination and its Contradiction

I The Order of Industrial Society

- 1) Transition
- 2) The Origin of the Rule of Capital and Capital-Owners
- 3) How Capital Rules in an Industrial Society

II The Relationship of Industrial Society to the State

- 1) Constitutionalism
- 2) Constitutional Parliament and its Position within the State
- 3) Constitutional Monarchy

III The Dependent Class in Industrial Society

- 1) The Origin of the Antagonism
- 2) The Proletariat; the Emergence of the Industrial Working Class
- 3) The Proletariat (continued)—Wage Relationship—The Dependence of the Working Class
- 4) The Proletariat (continued)—Pauperism, its Nature and Consequences
- 5) Conclusion: The Proletariat Proper

IV Social Movement of the Lower Class

- 1) The Proletariat and the Negation of Personal Property and of the Family
- 2) Interpretation and Stages of the Social Movement

Part Two. Socialism

Socialism

The Socialists

I Saint Simon and the Saint-Simonists

- 1) Saint-Simon
First Period up to 1797
Second Period up to 1802
Third Period up to 1814
Fourth Period up to 1823
Last Period. Saint-Simon's last work and death 1825

- 2) The Saint-Simonists
 - First Period—up to the July Revolution
 - Second Period—The July Revolution and Saint-Simonism
 - Third Period—Schism and Dissolution

II Charles Fourier and the Fourierists

- 1) Saint-Simonism and Fourierism
- 2) Charles Fourier and his school
- 3) Fourier's System
 - Its Basis
 - The Doctrine of the Instincts
 - Fourier's Cosmogony
 - Philosophy of History and the Critique of Contemporary Civilization
 - The Idea of the Agricultural Communalization
 - The Idea of Harmonious Work
 - The Phalange and the Phalanstère

Part Three. Communism

Communism and its Relationship of Socialism

First Period: Republicanism 1830-1835

- 1) The Nature of Republicanism
- 2) The Struggle and Defeat of Republicanism
- 3) Transition to the First Purely Social Movement—Communism

Second Period: Communism since 1835

The two Communist Principles

- 1) Materialistic Communism (Babouvism)
- 2) Religious Communism and its Manifestations
 - a) Fr. de la Mennais
 - b) Theosophic Communism
 - c) Cabet's Communism
 - d) Pierre Leroux's Philosophy of Religion

Third Period: Reform Movement since 1841

- 1) General Character of the Reform Movement
- 2) The Social Reformers
- 3) The Political Reform Movement and the Beginning of Social Democracy

Appendices

- I On Saint-Simon
- II On Fourier's System
- III On Cabet's Communism
- IV Bibliography of Socialism and Communism

VOLUME III

THE MONARCHY, THE REPUBLIC AND THE SOVEREIGNTY OF FRENCH SOCIETY SINCE THE FEBRUARY REVOLUTION, 1848

Part One. The Theory of the Monarchy

Introduction

I *The Nature of Monarchy*

- 1) The Concept of Monarchy
- 2) The Second Nature of Monarchy—Monarchy, the Ruling Class and the Struggle Between Them
- 3) The End of This Struggle
- 4) The Monarchy and the Ruling Class

II *The July Monarchy, its Struggle with Industrial Society and its Downfall*

- 1) The Position of the July Monarchy in French Society
- 2) The Concept of Legitimacy and of Personal Government in the July Monarchy
- 3) The Development of the Principle of the Personal Government
- 4) Louis Philippe's struggle with Industrial Society; Victory over the Republicans, over the Press and Associations and over the Election Reform

III *The Downfall of Monarchy*

- 1) Factors Contributing Toward its End
- 2) The Conditions under which Monarchy Perishes

Part Two. The Theory of the Republic

First Section: Concept and Content of the Sovereignty of Society

- 1) The Revolution of February, 1848
- 2) The Idea of the Pure Republic
- 3) The Sovereignty of the People and the Principles of Political Democracy
- 4) The Concept of Sovereignty of Society
- 5) The Elements of Ownership and the Law resulting from their Relationship

Second Section: The Constitutions of the Historical Republics

- 1) The Republics of Antiquity
- 2) The Feudal Republics and the Republics of the Estate Society

- 3) The Republic of the Industrial Society
 - a) The Republic of Industrial Ownership
- 4) Continued
 - b) The Republic of Industrial Non-ownership
- 5) The Antagonism of these two Republics and the End of the Sovereignty of Industrial Society through Civil War
- 6) Society and the Republic of Mutual Interests

Part Three. The Sovereignty of the Industrial Society in France Since the February Revolution

Introduction

First Section: The Gradual Development and the Outbreak of the Actual Struggle between Capital and Labor (from February to the End of June).

- 1) The Character of the Provisional Government. Lamartine
The Basis of the Social Struggle
A. *The Consolidation of the Proletariat as a Social and Political Power*
- 2) The General Movements. The Press and the Clubs.
- 3) The First Laws and Measures of the Provisional Government. The Proletariat Constitutes itself.
- 4) *The Ateliers Nationaux*
- 5) Louis Blanc and State-Socialism
 - a) The Organization of Labor
- 6) Continued
 - b) February 28th. *The Ministère du Progrès*
The Conferences of the Luxembourg
- 7) The Proletariat during the Sovereignty of the Industrial Society
B. *The Struggle of the Two Classes*
- 8) Conditions in Paris. How the Antagonism of Capital and Labor Results in the General Antagonism of Ownership and Non-ownership. The Question of Convocating the Constituent Assembly
- 9) The Workers' Demonstration of March 17th
- 10) April 16th. First Victory of the Property-owning Class
- 11) Instability of the Government after April 16th.—The Elections.—The New Antagonism between Bourgeoisie and Proletariat
- 12) *The Assemblée Constituante; the Commission Exécutive.*
The First Weeks of May. May 15th
- 13) June, 1848. The End of the *Commission Exécutive*

Second Section: The Struggle Between Capital and Labor for the Constitution from June to December

- 1) The General Situation. The Parties and their Trends
- 2) Proudhon and the Organization of Credit
 - a) The attack on the Right of Personal Property
- 3) Continued
 - b) The Organization of Value and of Credit and the People's Bank
- 4) The Constitution of November 4th and its Significance,
 - a) The Draft of June 20th and the Draft of August 29th
- 5) Continued
 - b) The Right to work

Concluding Remarks: The Present Shape of the Problem in French Society

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K. M.

Preface

When Lorenz von Stein's book "The History of the Social Movement in France from 1789 to the Present" came out in 1850, the Third French Revolution was still fresh in everybody's mind. In the preface of October 1849, the author states that "nobody dares to doubt that it really has been a social revolution," a fact which confirmed the correctness of his earlier prediction. The Revolution of 1848 verified the general consequences he had drawn from his analysis, that the state was now "thrown into the struggle of the two poles of society" (p. 5) and that "the social question is no longer a theoretical one" (p. 5) but "destined to become the substance of present and future developments" (p. 6).

Alexis de Tocqueville, who had been a member of the Constituent Assembly 1848, took the same point of view in his studies on the French Revolution and in his *Memoirs*. It is unlikely that the two authors ever met; but the similarity of their approach is striking. Both considered the French Revolution of 1789 an unprecedented and final break with the sociopolitical tradition of European history; both came to the conclusion that its "real object was less a new form of government than a new society" [144, p. 160]* and that "the age of social-democracy is inevitable" [144, p. 5]. Both interpreted the revolutionary drive of 1848 as the latest manifestation of the trend towards equality, the ideal of the original Revolution, which had failed in social relationships; and both considered it the task of the future age to come to grips with this ideal in practice. But while Tocqueville in essence confined himself to the role of an interpretative social historian, Stein embedded his analysis in a general concept of society and in a corresponding philosophy of history. He considered his book "an attempt to raise the as yet hazy notion [of the predominance of the social question] to distinct scientific perception" (p. 6).

There is no doubt that the "History of the Social Movement in France"—in spite of all its shortcomings—is a landmark in the history of social thought. Stein's reasoning in this book has become of lasting importance in several respects. In the first place, it is an early and important manifestation of historical materialism. While studying the changes in French society during the previous sixty years, he had come to the conclusion

* The numbers in brackets in the Preface and in the Introduction refer to the bibliography.

that the traditional approach in historical analysis was no longer satisfactory. Socialism and Communism in France had been the point of departure for his inquiry during his sojourn in Paris in the early 1840's. The growing response to these movements by the laboring class, disfranchised during early industrialism, convinced him of impending class warfare and of the necessity of social reform to avoid revolution. He began to conceive the structure of society as the basic factor determining the course of political developments. Before Marx, who was familiar with Stein's publications, developed his own approach to social history, Stein had expounded the concept of the proletariat and assigned a crucial role to class relationships in the historical process. Furthermore, his analysis led him to the conclusion that a constructive welfare policy was indispensable for the stability and progress of industrial society. Thus he became an early advocate of social reform as a result of scientific inquiry. Finally, in this endeavor to provide a stable basis for these explorations, his is "the first attempt to set up a concept of society as an independent term and to develop its content" (p. 6). It seems almost impossible to overlook his contribution during the growth of the social sciences in the 19th century, and yet this has been done fairly consistently in the international literature.

At first Stein's book aroused a great deal of interest in academic circles in Germany. A second edition appeared in 1855. In later decades, the original contributions of this work were almost forgotten. It was predominantly used as a standard source for studies of early French socialism and communism. When intellectual and practical awareness of the importance of political and social reform was newly awakened in Germany in consequence of the collapse after the First World War, a new edition was issued by Gottfried Salomon in 1921. It led to a revival of interest in Stein's early contribution to the growing science of society. This edition has recently been reprinted by the *Wissenschaftliche Buchgesellschaft, Darmstadt*, 1959. The fact that it had never been translated may partly account for the lack of appreciation of its stature.

My admiration for Stein, which goes back to my student days, finally motivated me to venture a translation. It seems to me that what he had to offer more than a hundred years ago remains of lasting historical interest as a document of analytical and constructive social thought during the 19th century and as a suggestive attempt to understand and come to grips with the past and present struggle for equality.

I herewith submit his opus to the English-speaking world in the hope of saving it from oblivion.

To the Memory of my Teachers
at the University of Heidelberg

S. P. ALTMANN

and

EMIL LEDERER

K. M.

Introduction

LORENZ VON STEIN

1815-1890

HIS LIFE AND WORK

by

Kaethe Mengelberg

LIFE AND CAREER

Lorenz von Stein was born on November 15th, 1815 in the village of Barby near Eckernförde, in the Duchy of Schleswig, which at the time was part of Denmark. His father, Baron von Wasner, Colonel of the Danish Army, came of noble stock; his morganatic marriage led to a complete break with his family, and he accepted the name of his wife, Stein. After the early death of his father, young Lorenz attended the Military Academy at Eckernförde for eleven years. A turning point in his life came on the occasion of a visit to the King of Denmark, to whom Lorenz revealed his true ancestry and his desire to study rather than pursue a military career. At the age of seventeen, he was sent, with the assistance of the Danish Government, to the High School [*Gymnasium*] in Flensburg and in 1835 to the University of Kiel. His academic training included two years of study at the Universities of Jena and Berlin. He was registered as a student of law, but he also got, according to the Continental tradition, a very broad training in the humanities and the social sciences [*Staatswissenschaft*]. He was particularly interested in philosophy, where, at that time, Hegel's and Fichte's metaphysics dominated the scene. The influence of these two great idealists shaped his thinking and the development of his scientific and philosophical concepts, and determined persistently in a number of ways his interpretation of history during all periods of his life. He received his doctorate in law with a dissertation on the history of legal procedures in Denmark (1841) at the University of Kiel in 1840.

He then went to Paris for further research in jurisprudence; the studies which he pursued in France gave him his first insight into the relationship between social conditions and the law. Several publications on judicial proceedings in France and on French municipal constitutions followed. But his qualifications were not only those of a scholar; he was continuously interested in current political events and endowed with a superior journalistic talent. During his stay in Paris he was a regular correspondent of the *Augsburger Allgemeine Zeitung*, an association which he kept throughout his life.

Stein's sojourn in Paris during his formative years, from the age of 26 to 30, was decisive for his intellectual development with regard to both the field and the method of his later scholarly work. His interest

in the socialist movement was aroused through contacts with such leading personalities as Considérant, Reybaud, Louis Blanc and Cabet, with progressive workers' and artisans' associations, as well as through the general political climate. He experienced France as a workshop where history was being made. His impressions, and observations, in Paris gave him a better clue to the understanding of social and political developments, past, present and future, than all the theoretical speculations of his early youth. The years in France, finally, determined his unique position in the history of social thought, representing both French positivism and Hegelian idealism.

In 1842 he published his first major work, *Der Sozialismus und Kommunismus des heutigen Frankreich, Ein Beitrag zur Zeitgeschichte*. It was a spectacular success and was followed in 1848 by a second enlarged and revised edition. The third and final version appeared in three volumes under the title *Geschichte der Sozialen Bewegung in Frankreich von 1789 bis auf unsere Tage*, published in 1850; here Stein incorporated the story of the lives and work of the representatives of socialism into an account of historical events and of the social conditions of the working class. The newly conceived comprehensive introduction under the title "The Concept of Society and its Dynamic Laws" placed his historical study into the framework of a general theory of society and of the social movement.

His reputation as a scholar was therewith established. After his return from Paris, he became *Privatdozent* at the University of Kiel and was promoted to *Ausserordentlicher Professor* in 1846. But soon he was caught up in the political controversies of his native country, and his academic career became seriously threatened. He had always taken a position in favor of Schleswig-Holstein's independence; in 1846 he had signed a memorandum with eight other professors concerning the hereditary succession in the Duchy of Schleswig; it supported the position taken by the German Confederation against any encroachment on the rights of Schleswig by legal and historical arguments. During the short period of independence of Schleswig-Holstein (1848-1850), Stein became a Delegate of the Provisional Government in Paris; in 1849 he was elected a member of the Representative Assembly. When, in 1850, Denmark reestablished its rule over Schleswig, Stein lost his professorship and was forced to leave. His position was particularly difficult because—although strongly opposed to Danish rule—he nevertheless was critical about the position Prussia took during the struggle. The Prussian Government never forgave him; it not only denied him the opportunity, offered to his colleagues, of finding a new academic position Prussia

but also used its influence to prevent his appointment in Würzburg, which the Bavarian Government was willing to offer him in 1854.

After his dismissal in Kiel, Stein seriously considered a career in journalism. He published a series of articles in the leading periodicals *Gegenwart*, *Deutsche Vierteljahrsschrift* and in the popular newspaper *Deutsche Allgemeine Zeitung*. These frequently appeared anonymously or under a pen-name, and dealt with the historical and political aspects of the Schleswig-Holstein controversy, as well as topics of more general economic, sociological and historical interest. Though written for the general public, they all carry the mark of scholarship, and could be of historical interest to sociologists even today. Among them are studies on the structure of society, *Das Wesen des arbeitslosen Einkommens und sein besonderes Verhältnis zu Amt und Adel* (1852), *Demokratie und Aristokratie* (1854), and a series of articles concerning the social movement in Germany, France and England published between 1849 and 1852 in *Gegenwart*. Others, like *Das Gemeindewesen der Neueren Zeit* (1853) and *Zur Preussischen Verfassungsfrage* (1852), dealt with public law in Germany, and still others with specific organizational questions of the German banking and monetary system.

Stein's broad and thorough training in the different branches of the social sciences, the ease and imagination with which he wrote, and his ability to combine a systematic approach with the analysis of practical details secured his success as a journalist during these transitional years. He was on the point of accepting an editorial position of the *Deutsche Allgemeine Zeitung* when the death of the political economist Nowak at the University of Vienna created an opening for a professorial appointment there. He had the powerful backing of his friend, Freiherr von Bruck, then Secretary of Finance, and that of the Minister for Cultural and Scientific Affairs, Baron Leo von Thun, who evaluated his abilities and promises for the future very highly. At this point, Stein's former antagonism against Prussia may have operated in his favor; the testimonial by von Thun elaborates on it at length and strongly stresses Stein's preference for the Austrian policy [39, p. 482]. Stein became professor of Political Economy at the University of Vienna in 1855. He held this position until his retirement in 1888.

For over thirty years he was active as a teacher and scholar at one of the oldest German universities; he had finally found an adequate setting for his abilities, which included comprehensive knowledge, a keen reasoning power, and a sometimes astounding intuition. He was a brilliant lecturer who attracted large audiences and exerted a strong influence on the younger generation. During a period of rapidly increasing spe-

cialization, he taught them to see the details within a general context and not to lose sight of the essential relationship between single facts and the basic trends in historical and social development. His approach was essentially a systematic one.

During the first decade in Vienna, he tried his hand in influencing the course of political events and economic development in Austria. Until 1866 he was convinced that Austria ought to play a leading part in the unification of Germany, and favored a customs union of Greater Germany. He was consultant to several ministries, and the minister of Finance directed him to write his expert opinion on *Die neue Gestaltung des Geld- und Kreditwesens in Oesterreich* (1856). He also participated in business, founded several corporations of which he was chairman or active member of the board of management; when in 1874 he wanted to be elected as a member of the Reichsrat, he introduced himself as "an industrialist as defined by Saint-Simon."

The high esteem in which he was held by his contemporaries manifested itself in the many honors conferred upon him: he was an active member of the Imperial Academy of the Sciences in Vienna, a member of the Academies of Rome, of Paris, Petersburg and Moscow; he was given an honorary Doctor's degree by the University of Bologna and high decorations of the Italian, Russian and Japanese Governments. In 1868 the Austrian Government made him a member of the hereditary Austrian aristocracy. He had always declined suggestions to adopt again the name of his father with the argument that he had no interest in belonging to the aristocracy of birth, but he apparently welcomed it to being ennobled on the basis of his merits; this—in an anecdotal way—tells the story of his social philosophy.

Practically all of Stein's writings reflect his original interpretation of history and social development and are permeated by his specific concepts of state and society; they will be considered later in detail. We shall list briefly his publications according to the traditional academic classification. He had started to work on a systematic presentation of the social sciences [*System der Staatswissenschaften*] already at Kiel, but his plan to cover the whole field never materialized; this opus has remained a torso presenting an over-all organization of the material, but the analysis is confined to statistics, population and economics in the first volume, published in 1852, and to the concept of society and the theory of special classes in the second volume, published in 1856. He never tackled the last volume, which was supposed to deal with political science, although his other publications show distinctly his line of thought concerning the proper place of constitutional and administrative prob-

lems in the social sciences. His aim was to draw a great canvas of cultural development and analyze European culture as a unit—the result of accumulated and steadily growing wealth and knowledge with a growing participation of the lower classes and the obligation of the state to facilitate this trend. Today this may appear commonplace, but the first one to formulate it was Stein. In his social philosophy and his scientific analysis of social development he elevated the ordinary working people from their subordinate role of sustaining the cultural edifice of the ruling strata, and integrated them as individuals into the functional system of state and society [5, p. 432]. His interpretative approach to social history had a lasting effect on the economic and social policy of the 19th century.

The predominating theme which Stein had pursued persistently since his Viennese appointment dealt with public finance and public administration. His contributions to both fields are of lasting scholarly importance and are the least controversial among his systematic works. He took the first important step towards a systematic theory of public finance [74] which had until then been treated only casually and unmethodically. He related problems of budgeting and financing to state constitution and public law. Problems of social philosophy did not enter here; emphasis was put on the causal explanation of facts and on a comparative study of international law. Towards the end of the century, his *Finanzwissenschaft* was considered one of the most significant German works in the field, equalled only by the publications of Adolf Wagner [29]. Looking back to the contributions of various scholars in this field during the 19th century, Popitz [43 pp. 404, 418] asserts in 1933 that there is . . . "common agreement that the most valuable accomplishments in the science of public finance in Germany are connected with the names of Lorenz von Stein, Adolf Wagner and Albert Schäffle." One has to admit that Stein had an admirable insight into the significance of administration and public finance within the field of the social sciences. He predicted the trend of developments which subsequently took place, though much later than he had anticipated.

The prominent part of his later publications is devoted to the theory of public administration (1865-1870, 1884, 1888). Up to that time, the empirical "*Polizeiwissenschaft*" of the cameralists had been the only academic subject concerning domestic politics. According to Stein, public administration comprises all areas of state activity, including public finance and international law, except those dealing with constitutional problems. He correctly assumed that these would be of growing practical importance in the future, because the state would have a leading part in the

establishment of a stable society. He became the instigator of this new scientific discipline. By establishing the distinction between law and decree, he provided a legal basis for the executive power of the state, and took the first step towards an examination of administrative law which, however, he treats only as a subsection of the theory of public administration (*Verwaltungslehre*). To systematically organize all sectors subject to administrative action, he applied his trichotomy of personal, economic and social life; into this general framework he incorporated past and present legislation on population, health, education, natural resources, industry and commerce, as well as on labor, the poor and social assistance, frequently comparing it with the laws of France and Great Britain. His theory of public administration also presents the basis for his attempt to integrate the science of the state (*Staatswissenschaft*) with jurisprudence (*Rechtswissenschaft*).

His original and lasting contributions to this field are undeniable and emphatically acknowledged by all experts up to the present [13, 20, 42, 49, 61, 77]. In a recent article, Arthur Nussbaum evaluates Stein's contribution to the doctrine of international law, which in his opinion "contains elements of considerable significance" [40, p. 558]; Stein's "fundamental idea of international administrative law is unobjectionable and helpful" [40, p. 560]; it foreshadows the emergence of a law of international organization as a new academic discipline, a sufficient justification for reconsidering Stein's contribution to the theory of public administration.

In addition to these major works, there are many casual yet fascinating essays by Stein, some in the lighter vein on the role of women in the economy or the relationship between music and the social sciences; others of great erudition such as "*Der Wucher und sein Recht*" (1880), which Marchet [30] characterizes as "comprehensive and final," and "*Die drei Fragen des Grundbesitzes*" (1881) a comparative treatise on land ownership in Ireland, the Continent and America.

One experience in Stein's later life is a particularly colorful illustration of his versatility. It is his role as adviser of the Japanese Government in the 1880's. One of his most prominent students was Hirobumi Ito, a leading public figure during the Meiji Era (1867-1912). After the power of the Japanese feudal aristocracy had been broken in the early sixties, Japan needed a new constitution and administrative system. A commission for the study of Western European institutions was sent to Vienna to consult Stein. This was a challenging task, to which he devoted much of his time during the last decade of his life. Although the available sources of information on Japan were scarce and the difficulties of com-

munication considerable, he nevertheless succeeded in meeting the needs of his visitors, strengthening their self-confidence and giving valuable advice as to the path to be followed in economic and political affairs. Stein showed appreciation of the traditional culture, religion and art, advised against indiscriminate Westernization, suggested gradual changes by first promoting foreign trade, and made specific propositions as to a new constitution. Stein's approach, which showed his understanding of cultural differences, proved to be most fruitful in practice. The lectures which he gave on this topic were later published in Japan. A Japanese translation of the *Theory of Public Administration* appeared in 1887. The fact that Stein was a convinced monarchist strengthened Ito's confidence in his guidance. The chapter on imperial power in the ensuing Japanese constitution comes very close to Stein's original draft. He remained a friend and advisor of Ito and other Japanese statesmen, as well as of Japanese students in Vienna for the rest of his life, and was held in high esteem by them.

Stein's contact with the Far East bore fruit also for the European public in the form of a series of publications on historical, legal and financial problems of Japan which, at that time, had not yet been systematically explored.

At the time of his death in 1890, Lorenz von Stein was considered to be a controversial figure by his colleagues, particularly with regard to his social philosophy and his methodology; both are, of course, inevitably intertwined, as are his merits and his deficiencies. He himself once stated, "I have aimed, in the first place, at devising a genuine system (*wirkliches System*)" and then have tried to develop it as an organism of concepts and laws, which could ultimately be reduced to one simple principle . . . As a first step, it seemed necessary to me to devise a systematic order for the tremendous mass of political data in which every individual fact has its proper place. This proper place is in reality not so much a matter of adequate organization but of the organic role of each individual fact."¹ In later years he defined science as "the comprehension of the basic unity of all specific activities and facts as the manifestation of the divine destiny of existence."² His opponents considered his teleological approach to history untenable and frequently felt entitled to criticize him and disregard his specific contributions, many of which bear the mark of careful causal analysis. Schmoller, [52, p. 141] however, tipped the scales in his favor; he argued that teleology as a

¹ *System der Staatswissenschaften* 1852, Vol. I, pp IX, X.

² *Lehrbuch der Nationalökonomie* 1887, p. 32.

heuristic principle may be a useful tool in all the sciences, and that a causal and a teleological approach are not necessarily contradictory but may supplement each other. Schmoller saw the significance of Stein precisely in the fact that he, just like Montesquieu to whom Stein frequently referred, was not a specialist. On the other hand, he was well aware that Stein's universality had its disadvantages; he was often not interested primarily in facts but in their place within his willfully conceived system. Such an attitude may easily lead to an arbitrary selection of material which is irreconcilable with scientific investigation. However, Stein's faults on this score are minor compared to his truly scholarly contributions.

Carl Menger, the leading Austrian economist of the late 19th century and one of the founders of the marginal utility theory, questioned Stein's claim of competency in the field of economic theory; at the time the theory of marginal utility was in its infancy, struggling for recognition and attempting to provide the basis for economics as an exact science, Menger felt that Stein's approach counteracted these intentions and was a factor in delaying their success. But, in spite of these misgivings from the viewpoint of a theoretical economist, and regardless of the general criticism that Stein's philosophy and his continuous resistance to concentration on specifics led to arbitrary interpretations, he did not deny that Stein's intuition had frequently led to fruitful results. Menger particularly acknowledged Stein's role as an originator of the concept of society; he appraised the "Social Movement in France" as an epoch-making study which for the first time had brought socialism and communism as serious issues to the attention of educated Germans; he considered it to be a classical source book for all later German publications in this field [34].

One characteristic limitation of Stein repeatedly pointed out by his contemporaries was his inability to train his students in the method of scientific investigation. Blaschke, in his obituary on Stein, states: "He lectured about what he knew and what he thought without ever teaching his students how he arrived at his knowledge," and adds the explanatory comment that "his individuality was too distinctive to be transferred to students by methodological directives" [5, p. 433].

Stein's attraction as a teacher and the stimulation which his students always gratefully affirmed was mainly the result of his efforts to come to a synthetic view and to enrich the specialized disciplines by analyzing their relationship. At a time when specialization began to break down the comprehensive approach, it may explain his popular success as well as the antagonism which he encountered among expert scientists.

STEIN'S VIEW OF THE SOCIAL PROCESS

Stein reflects in a peculiar way the confluence of a variety of trends in socio-historical studies prevalent at the middle of the 19th century. His position in the history of social thought is to a great extent determined by the influence of German idealism, which dominated the first half of the 19th century. There are many features which bear the mark of Hegel's thought; but there are others, especially in the analysis of contemporary society, in which he goes beyond Hegel by setting the conflict of interest between social classes in the center of his interpretation of history. His methodological approach is also akin to that of German idealism, which starts out by giving a specific goal of history and defining man's role in accomplishing it. But once he became absorbed with a particular problem, he explored facts and events in their mutual relationship, and his method of investigation was strictly empirical. Stein's scientific and philosophical position provided the link between Hegel and Marx as well as between Hegel and sociological positivism.

The main substance of Stein's social concepts was originally formulated in the first section of the present book under the title "The Concept of Society and the Law of Social Dynamics." He later enlarged and elaborated them in his theory of society (1856). He subsequently used them in all his books and articles, although the emphasis of his interpretation of the various factors changed considerably.

Society as an independent area of study in the social sciences had not yet been established in Germany. Civil society in Hegel's philosophy is only a historical concept and represents a subordinate phase in the development towards a state of freedom and reason. Stein effected the final separation of state and society. He proceeded on the assumption that society was a permanent aspect of human life. The origin of society lies in the contradiction inherent in the individual—the contradiction between his infinite striving and the narrow limits of his power. Only as a member of the human community can man hope to raise his life beyond the confining bounds of mere physical existence, to control nature, to develop a culture and to fulfill his destiny of striving towards perfection. Society, in which human existence as we know it is unalterably embedded, is an interdependent system of individuals based on the division of labor; "it is the spiritual order (*geistige Ordnung*) of men in contradistinction to the material order of goods, the economy, and the unifying (*rein ein-*

heitliche) order of the state;³ "the existence of society can be recognized by the disturbances which can be neither explained nor eliminated by economic or political measures."⁴

The differentiation of wealth and status establishes a class pattern in any society. Acquisition of property originates from conquest and power, and is constantly modified by the natural inequalities of people striving for self-realization. Property and education⁵ are the two pillars that sustain the social structure; they determine the position of the individual within society, differences in property and education coincide with functional differences. Stein's concept of class is based mainly on the distribution of property; his emphasis is on the source of income; he often speaks of the "property-owning vs. the propertyless class" and therewith follows the classical approach that classes are determined by the position of people as capital owners or laborers in the productive process. He thus anticipates Marx's approach in the analysis of the class struggle. Stein acknowledges, however, that education and occupation also play a role in determining the class position; nevertheless he considers property as the essential factor inasmuch as higher education, status and a cultured life can only be attained, as a rule, by those who own property. In his study on France, he regards property as the decisive factor in modern society, which perpetuates the class pattern based on inheritance and reflects the contradiction of industrial society between reality and ideology calling for resolution. Later, in his theory of society, he shifted his position by accentuating the role of innate personal differences rather than property in the process of selection, and thus justified inequality of income and status as the result of superior contributions. He changed from a severe critic to a defender of capitalism. This does not imply, by any means, that Stein, even in his later years, regarded the status quo of society as satisfactory; his later writings, particularly his theory of public administration, contain many suggestions and requests for changes which to him appeared not only consistent with the system, but rather indispensable in order to preserve it. Stein frequently states that a proper balance between equality and inequality has to be found, since the unfair preponderance of the levelling effects of equalitarianism and the exploiting and antagonizing effects of privileges lie at the core of friction within society.

³ *Gesellschaftslehre* (1856) p. 16 and *Demokratie und Aristokratie* (1854) p. 311.

⁴ *Gesellschaftslehre*, p. 23.

⁵ Stein uses the term "Bildung" defined in *Handbuch der Verwaltungslehre und des Verwaltungsrechts* 1870, p. 107, as "The state of intellectual development of the individual, the sum total of acquired intellectual capacities." In other contexts he interprets it as "possession of intellectual goods" ("Besitz geistiger Güter").

In his concept of the state, Stein distinguishes between the ideal and the real state. The ideal state stands outside the class struggle. It is the personification or "organism of the general will;" its well-being is dependent upon the well-being of all its citizens, and it can further its own interest only by furthering the development of all individuals. Therefore, the state has to prevent any part of society from imposing its will on the whole of society. The state's predominant purpose consists in providing those conditions for the development of the self which the individual is unable to create by himself. But this definition of the state is merely an abstraction, an ethical ideal. In reality, this ideal becomes constantly distorted, because government posts are usually occupied by persons of a higher status and are used to make their superior social position secure. The class struggle therewith invades the domain of the state, and state power becomes misused in the interest of the upper class.

Since the ideal state represents the general interest, its highest organ should stand above and beyond all special interest groups and be altogether independent. Stein therefore considers monarchy the most appropriate form of state organization. This position does not, in itself, reflect a conservative point of view. The battle between conservative and progressive forces is carried out in society and between the classes. The form of the state does not by necessity determine the nature of its policy; there were republics which were solidly conservative and enlightened monarchies which did not identify themselves with the ruling class.⁶ Stein looks with critical skepticism on "popular sovereignty," which to him is an illusion hiding the complete subjugation of the state to society. Modern nations would be served best by a constitutional monarchy favoring and promoting the interests of the lower classes, making individual self-fulfillment possible (*Soziales Königtum*).

Hegel's influence on Stein's analysis of the function of the state is clearly discernable. To Hegel, however, the state was the supreme authority, an altogether independent domain where reason unfolds itself; it ruled exclusively in the true interest of the individual. Stein retained Hegel's ideal of the state. In contradistinction to Hegel, however, he maintained that according to sociological analysis the actual state is necessarily controlled by the ruling class. He saw both state and society as the arena in which individuals contested for power. He therewith divested the historical state of its metaphysical quality. It required only one further step for Marx to deprive the concept of the state altogether of its glamor by simply discarding the concept of the ideal state [60, pp. 199, 206].

⁶ *Demokratie und Aristokratie* (1854) p. 309 ff.

Stein's interpretation of constitutional as well as civil law also marks him as forerunner of economic materialism. He considered changes in constitutional and civil law to be the result of economic factors rather than of ideas. Constitutions reflect the power of the various groups of society; they cannot be conceived and construed merely on the basis of an ideology. In order to be workable, they have to correspond to the social structure, and are therewith the result and not the moving force in the power and property distribution within society. "A constitution is never the result of chance or of mere doctrinal opinion; any appropriate constitution is the definite manifestation of the social order of the nation, and only as such it is justified, stable and valid."⁷ Nor is the history of law an autonomous development; changes in law can only be explained by considering state and society as two different entities.⁸ All positive law is conditioned by the basic form of society; the prevailing forms of property, whether landed or moneyed, determine the law; changes in property distribution affect the law. The various social strata and groups of society, which are in constant flux, try to manipulate and control the law and succeed in securing legal protection for their interests. New codifications of the law are the result of transformations of the social order. Jurisdiction and legal institutions are therefore part and parcel of the social structure. Stein circumscribes this condition with the term "*Gesellschaftsrecht*";⁹ law, as such, reflects the distribution of interests and power in the different social orders and is conditioned by the class structure of society [60, p. 171 ff.]. Stein gives a detailed description of how changes in the distribution of property affect the social order and the law: the origin of manufacturing and trade, and the growth of towns and cities is traced to the growing scarcity of land due to population increases, and equality as a social ideal appears as a result of the accumulation of wealth of the townspeople. Stein summarizes his position by stating: "Half of history is the history of property" (*Besitz*).¹⁰ Another example of Stein's inclination to favor economic factors in the interpretation of history may be found in *Die Entwicklung der Staatswissenschaft bei den Griechen*

⁷ "Der Sozialismus in Deutschland" (1852). The failure of Germany to accomplish unification in 1848 is explained by the fact that a constitution presupposes a civil society which at that time was not yet fully developed in Germany. *ibidem* p. 558.

⁸ *Die Gesellschaftslehre* (1856) p. 71.

⁹ This interpretation led Stein to make demands for far-reaching changes in the study of law; he insisted that students of law should be fully trained in political economy. *Gegenwart und Zukunft der Rechts- und Staatswissenschaften* (1876).

¹⁰ L. Goldschmidt's review of this book [12] subjects Stein's position to incisive criticism, specifically with reference to the training in jurisprudence, generally with reference to his methods of investigation.

¹¹ *Gegenwart und Zukunft der Rechts- und Staatswissenschaften* (1876) p. 151.

(1879). He states that the legislation of Lykurgus, Pythagoras and Solon are not understandable "without taking the power of property and its influence"¹¹ into consideration; in his essay "*Die Staatswissenschaftliche Theorie der Griechen vor Aristoteles und Plato*" (1853) he makes the interesting comment that even the theories of state and society are the reflections of actual conditions and that science cannot predict the social order of the future, but only determines our consciousness of the existing social order. He verifies this thesis with the help of several examples¹² and thereby makes an early contribution to the sociology of knowledge.

Stein's demand that the state take a leading role in the welfare of the people became the basis for his interest in state administration. He considered the administrative function of the state of highest importance, particularly with regard to the enforcement of public versus private interests. Through a system of administration, the state embraces the whole sphere of the economy and of society. The task of administration is to provide favorable conditions for the development of the individual to the extent that he is unable to pursue this goal on his own.¹³

Stein's later shift from the analysis of the social movement to the exploration of the various fields of public administration was neither a matter of whim nor of indifference to labor problems under capitalism. Once one accepts his premises one sees its inner consistency. This interest in state administration can already be detected by his frequent references to administrative measures in his book on the social movement in France. In it he attributed an important role to state action in the improvement of the condition of labor.

Stein's analysis of social processes is characterized by the juxtaposition of state, society and the individual. The moving force in history is the individual and his destiny. Any deviation from this purpose within society, or by state interference, leads to contradictions and conflicts. Every individual wants to acquire and to strengthen his independence. But since dependency between individuals and between classes is an inherent feature of society, constant friction ensues. The state is powerless to prevent the ruling class of society from interfering with its mediating function. The triangular struggle between individual, state and society, all of which are highly intertwined, presents the never-ending process of the realization of freedom. It shapes the course of history by dialectical resolutions of contradictions; temporary solutions can be found either through revolution or reform, but as time goes on,

¹¹ *ibidem*, p. 266.

¹² *ibidem*, p. 123.

¹³ See particularly *Handbuch der Verwaltungslehre* (1876) p. 323.

with each new stage of development, new contradictions will arise, since they are inherent in any human community.

Stein distinguishes three stages of historical development, which are characterized and distinguished on the basis of their respective social structure: patriarchal society, estate society and civil society; they repeat themselves in the historical process of different cultures. They are not even clearly separated during the growth of any one culture, but may coexist in various social contexts or geographical areas. Stein presents the three historical stages in terms of ideal-type constructions.¹⁴ The status symbol of the patriarchal order is landed property; differences in land holdings convey inequalities of rights and obligations. Acquisitions through commercial or manufacturing pursuits and labor are not recognized socially. A strong antagonism prevails between the patriarchs and the industrial class. In guild society or estate society (*Ständestaat*), occupation is the decisive factor in determining status and privileges; the social order is structured on the basis of socio-economic functions performed: the main estates are the nobility, the clergy and the third estate, with a variety of subdivisions. This type of society is frequently shot through with patriarchal principles, particularly where hereditary rights are concerned. Members of the upper classes may attempt to perpetuate their position through legislation which resists changes. Stein calls such a society a caste society, which he considers to be a symptom of petrification and decay. Nevertheless, channels for self-realization and social mobility also exist in an estate society, particularly within the clergy. The third type—civil society—is essentially an open society, in which inequality by birth and preferential rights to specific occupation do not exist.

The emergence of modern European society is, according to Stein, the most advanced stage of universal history proceeding towards the realization of freedom. Other cultures declined or stagnated; Christian-Germanic culture (this is the term Stein uses in talking about the Western World) is the only one which overcame the throttling effects of a caste system developing in the later stages of Oriental, Greek and Roman societies. In European society, for the first time in world history, the dignity of labor was recognized, work was considered a moral obligation and a source of strength; this provided a fertile soil for the rise of the idea of equality.¹⁵

Nevertheless, the realization of equality and freedom in our society

¹⁴ See *Gegenwart und Zukunft der Rechts- und Staatswissenschaften*, (1876); also *Verwaltungsrecht*, (1876), p. 11, 394 and *passim*.

¹⁵ "Ideen zur Geschichte der Arbeit" (1849).

is threatened by inherited property rights, favoring inequality of education and opportunity. His early prediction of the alternative of "social reform or social revolution" is based on this contradiction in civil society; only in later years does he voice confidence in the creative power of industrialism to provide a social order in which the recognition of equality and the necessity of a class society—the basic contradiction of modern times—will have reached a compromise solution.

Stein elaborated his concepts first and foremost to interpret the sixty year period after the French Revolution. In the context for which they were devised, they are—in spite of their shortcomings—useful and enlightening. They enrich our understanding of the past and the present. His historical studies, with the emphasis on social dynamics, opened new avenues for the analysis of historical developments. His attempt to substantiate his concepts as living forces in the unfolding of world history seems less fortunate;¹⁶ it drove him to unjustified generalizations and made him neglect empirical sources of evidence in order to give his intuitive insight the proper scientific weight. In other words, he did not succeed in developing a consistent social philosophy. He was much more successful in providing a conceptual framework for the analysis of a specific historical period. It can only be regretted that he never used his original approach again for another historical study.¹⁷ Stein's main contribution to social history consists in providing a new approach to his historical analysis rather than in his venture to systematize his concepts for an interpretation of the history of mankind as a continuous process. His basic contribution to the development of a science of society has been only seldom acknowledged. Only a few scholars admit that his concept of society, his theory of social dynamics, his claim that social factors determine the course of history, and his demonstration of the relationship between ideology and the class structure marked the beginning of the new social science of sociology.¹⁸ That he is almost forgotten today

¹⁶ Nitzschke [38, p. 108] has summarized Stein's account of universal history on the basis of the expositions spread among his various publications.

¹⁷ Carl Schmitt [51] e.g. voices his surprise that Stein never subjected the Austrian Monarchy to such an analysis, although he lived in Vienna for over thirty-five years.

¹⁸ Ernest Grünfeld [13] of course, in his book *Lorenz von Stein und die Gesellschaftslehre* does justice to him in this respect. His role as a pioneer of the science of society in Germany is appreciated by Waentig, Gumprowicz, Gothein and Spann. The Marxist Max Adler [68] pays tribute to him and states that Stein as a social philosopher leading from Hegel to Marx is not at all properly valued. "His *Gesellschaftswissenschaft* is so excellent that even today it can be of valuable service for the acquisition of sociological insight." (p. 48).

Franz Oppenheimer [41] considers Stein's book on the Social Movement the first most valuable manifestation of German sociology, vastly superior to Spencer, and in

may be partly due to the fact that academic sociology took an altogether different path than did Stein in his *Gesellschaftswissenschaft*, which is only a small section of modern sociology. Stein's *Gesellschaftslehre* is predominantly an analysis of the various social orders which are determined by the interplay of social classes, their interests and their power; it is based on his particular concept of society which, although seen as an independent entity, presented only one aspect of the human community. The state retained the superior function of representing the general interest. Stein's science of society thus remained a subsection of the science of the state (*Staatswissenschaft*).

Stein's own attitude toward sociology as a new independent discipline was very skeptical. In a letter (1885) to Gumpowicz he states: "I am eager to know about sociology, since it has always been impossible for me to formulate what it really is; according to the Franco-British confusion of terms and concepts there is nothing left that could not be considered as sociology, one way or another, including electricity and bacteria." Gumpowicz adds: "How distrustful the founder of the science of society was towards sociology, and how he was at a loss to classify sociology among other sciences is indicated in another passage of his letter in which he expresses the hope 'to find out of which branch of knowledge this sociology is a definable part'" [89, p. 132].

"THE HISTORY OF THE SOCIAL MOVEMENT IN FRANCE 1789-1850."

The main body of this book presents a history of the socio-political struggle in France during the sixty year period from the great French Revolution to the establishment of the Republic in 1848. It leads us through the various stages of the first Revolution, the history of the Constitutions of 1791, 1793 and 1795, the rise and fall of Napoleon, the Restoration, the July Revolution, the period of the Bourgeois Monarchy, and finally the struggle for supremacy between the bourgeoisie and the

some respects even to Comte. (pp. 893, 901)

E. H. Huber [19] in his comprehensive review of *Die deutsche Staatswissenschaft* (1934) recognizes his important position, together with Mohl's, as an originator of the science of society, who, "by observation and interpretation of the living reality were led—almost against their own will—to acknowledge the autonomy of society as different from the state" (p. 12).

proletariat after its downfall. The events are interpreted in terms of the changing power position of the surviving elements of feudalism and the third estate on the one hand, and the struggle of monarchy to reestablish itself as a representative of the "independent" state on the other hand.

Interwoven with this sociological interpretation of French history—which for that time is a highly original approach—is an analysis of the social forces which led to a new class antagonism. These movements are seen as the result of the failure of the French Revolution to realize the professed ideal of equality.

The abolition of feudal privileges, the recognition of civil liberties and of political equality provided the framework for the newly emerging acquisitive society; but its advent also brought forth the industrial working class. The feudal system of mutual obligations had been dissolved; poverty, rootlessness and insecurity of income spread among the growing number of people who provided the labor for manufacturing enterprises. Without any protection by the law and without any organization of their own, the workers were at the mercy of the highly competitive market and ruthlessly exploited; they spent their life in misery which neither hard work nor thrift could overcome. The promise of liberty had led them into an apparently hopeless condition of socio-economic dependence.

People discovered the fact that even the most equalitarian constitution, based on human rights and guaranteeing freedom and equality in the pursuit of their interests, was not a satisfactory basis for personal independence; the perpetuation of dependence is the result of socio-economic conditions. Political equality can provide equal rights before the law, but not economic equality, which is of more vital importance in every-day life.

The masses, under the impact of their experiences in the developing industrial society, were determined to change conditions according to the ideal of "liberty and equality for all;" they became a new force in the political arena, a militant socio-political power, the proletariat. Their initial struggle for political rights turned into a struggle for social reform and institutional changes. Private property and—to a more limited extent—the family became the main targets of attack in the struggle for equalization of opportunities; for inequality of property and inequality of education resulting from property rights had remained an obstacle in the path of equalization.

Stein considered this new antagonism between labor and capital to be sharper and broader than the foregoing one between the nobility and

the third estate.¹⁹ In a society which proclaimed liberty as the highest ideal, it deprived the worker of the possibility of striving successfully for independence. It had created a new class pattern which tended to perpetuate inequality by making it hereditary and to reestablish estate society. While Hegel saw civil liberty as achieved within the framework of monarchy as the final stage in which freedom might be realized, Stein, a half-century later, called attention to the new type of dependency and the new contradictions inherent in modern industrialism. He once raised the question: "How shall this problem [the contradiction in the condition of the proletariat] be solved? We are not so presumptuous as to assume that we can suggest any solution. One person has never solved a problem which is addressed to humanity as a whole. All we can do is to state the problem clearly."²⁰

The attack on private property by the worker is the logical result of his social conditions in early industrialism. It appears in the form of communism—which is merely a negation of property and the individual—and socialism which goes beyond this negation and defines the future form of social existence.²¹ Only communists and socialists seemed to be aware of the fact that a society based on private property will frame a constitution which will protect the interests of the property-owning class and maintain the existing system of inequality and dependence. This trend is also reflected in the endeavors of the owning class to make political rights dependent on property ownership by making the right to vote dependent on tax-paying ability. Only a socialist society will finally succeed in establishing the realm of liberty and equality, the ideals of the French Revolution.

It was Stein who gave the socialist viewpoint—by that time mainly developed by Saint-Simon—of the relationship between state and society a concise formulation. He developed the concept of the proletariat, which he considered to be the working class in industrial society, united by the awareness of their revolutionary role. He thereby gave a specific meaning to the term "proletariat" and carefully circumscribed its role in the history of the 19th century. He considered the ensuing struggle unavoidable and did not hesitate to acknowledge that the approach of the socialists, with their emphasis on socio-economic rather than political conditions as crucial issues of world history, gave rise to a new science of society. "Socialism and communism gain the significance they have first of all due to the idea of society and the assumption that society has

¹⁹ "Die sozialen Bewegungen der Gegenwart." (1848).

²⁰ *Der Sozialismus und Kommunismus in Frankreich* (1848) p. 325.

²¹ "Blicke auf den Sozialismus und Kommunismus in Deutschland" (1844) p. 13.

a history of its own."²² Stein fears that the victory of the proletariat would establish the absolute rule of the laboring class, subjugate the state to the interest of labor and result in the victory of despotism. He touches here upon the problem of the dictatorship of the proletariat, which became acute only seventy years later; he sensed the indissoluble conflict between liberty and the enforcement of permanent equality.

But even if communism and socialism are a danger to the social order, censorship of the press and attempts to control free discussion are the most inappropriate methods to forestall their advent.²³ Communism and socialism are ideas which can only be conquered by the mind. The attempts to suppress doubts about the present state of affairs, to prohibit opposition, will only give moral support to those who oppose these new movements without ever allowing for constructive criticism. The threat of a communist revolution can never be mastered by thought control but only by basic social reform.

The social movement of the proletariat played an important role in the strife for political power after the July Revolution which terminated the struggle of the acquisitive society against the reinstitution of feudalism. The enthronement of Louis Philippe marked the beginning of industrial society with capital as the ruling power. Constitutionalism, with voting rights restricted to the higher income group, safeguarded the interest of the upper bourgeoisie.

The period of 1830-1848 is characterized by a complex triangular struggle between the monarchy, the ruling class and the growing political influence of the proletariat. The monarchy, instituted by the property-owning class to control the antagonism of the working class, attempted to assert its independence from the bourgeoisie and establish a system of personal government by devious means, disregarding the interests of the class which sponsored it. The growing tension between these two powers led to the demand for electoral reform and thereby to a strengthening of the republican movement. Republicanism was originally the political goal of the left-minded democrats who stood for liberty and equality. However, the more it became evident that the lack of social rather than political rights was the essential impediment in the way of the realization of these ideals, republicanism became predominantly the idea of the social movement and a reflection of the antagonism of the laboring class against monarchy as a representative of the bourgeois-

²² See Preface to *Sozialismus und Kommunismus in Frankreich* 2nd Edition, (1848), p. VIII.

²³ See "Der Sozialismus in Deutschland" (1852) p. 537, and "Blicke auf den Sozialismus und Kommunismus in Deutschland" (1844) p. 47 ff. with reference to the suppression of the *Rheinische Zeitung*.

sie. Its main practical aim was universal suffrage. Here we encounter the first indications that the working class movement hoped to get control of the state by parliamentary means, a trend which in later decades—through the social democratic wing—became so powerful within the socialist labor movement.

During the reign of Louis Philippe, the struggle for electoral reform became the temporary meeting ground of left-wing bourgeois liberals and the adherents of social reform. But these tendencies were repeatedly defeated in the 1830's. Republicanism as a political party movement broke down; but behind the screen of political events during the July Monarchy, the labor class developed slowly but consistently into a political power of its own. It remained in the background of the political struggle until finally the regime of Louis Philippe was overthrown by the opposition of the united bourgeoisie, "because neither monarchy nor the danger of social revolution will prevent the owning class of industrial society from destroying personal government which does not respect the principle of popular representation." By 1848, industrial society brought the state under its control and found an appropriate political order in constitutional republicanism.

It is Stein's contention that only a monarchy committed to social reform can survive in industrial society by exercising its functions as a constructive mediator between the opposing classes, and it is his hope that the surviving monarchies of Europe will take this path. In the French Republic, the state as an independent entity no longer has an acting representative. What is considered popular sovereignty is, in fact, the sovereignty of society, in which two antagonistic classes confront each other and are ready to engage in a life-and-death struggle unless they discover a common interest. Stein considers the republic of mutual interests a possibility and the only alternative to a monarchy of social reform for a peaceful growth of modern industrialism. It would be necessary that, on the one hand, the property-owning class be willing to accept the justified demands of the working class, which would enable the laborer to gain capital through work; the ruling class would have to refrain from such prerogatives as prohibition of labor associations and strikes, the enforcement of factory regulations and factory courts, etc. On the other hand, labor would have to give up its struggle against the bourgeoisie and capitalism, the existing order of society and constitutionalism. Such a development would take decades; and there was not the slightest prospect in evidence for a change in attitude on either side.

The demands of labor crystallize during the period under consideration in demands for a special *Ministère du Progrès* and for the "right to work";

the former was unsuccessful and led into the dead-end alley of the conferences at the Luxembourg, and the latter resulted in the establishment of the *Ateliers Nationaux*. The latter were a complete failure, because, in a society of private enterprise, the attempt to make the state responsible for providing work for the unemployed is a glaring contradiction. The bitter mood of the proletariat and the disappointment of not coming to grips with the social question within the framework of the newly established Republic led to the June revolt and the total defeat of the proletariat for the time being. The revised Constitution of November 1848 discarded the concept of the right to work and restricted administrative social measures to assistance to the needy. The principal demand of labor to transform the state into a responsible authority for social welfare had been rejected. The ruling position of the capital-owning class in industrial society was secured.

Yet Stein concludes his socio-political analysis on a note of cautious optimism. The obligation to remedy the ill effects of competition on the labor market by public assistance had been approved; the acceptance of universal suffrage—the first acknowledged social right of the non-propertied class—opened the possibility of a successful struggle of the dependent class for further social reforms through administrative measures, provided the socialist and the democratic parties joined forces to cooperate towards that goal.

The analysis of the French Social Movement brought to a head two major new conclusions: the first was that "labor without capital stands now besides property as an independent and autonomous factor in human society," . . . the second was that "this element is of great importance as regards the transformation of the state and its public laws and is an element one would have to reckon with one way or the other with respect to all major constitutional problems" . . .²⁴ "The foundation and point of view of French socialism was therewith completely abandoned. Socialism and communism in the hitherto existing meaning of the word have become mere individual symptoms of an infinitely more comprehensive problem."²⁵

The events of 1848 have shown that Stein's anticipation in 1842 of a showdown between the classes was correct. He did not accept this as the final answer to the problems he had posed. In another essay²⁶ he states: "The great question of a better relationship between capital and

²⁴ "Der Sozialismus in Deutschland" (1852) p. 560.

²⁵ *Ibidem*, p. 562.

²⁶ *Der Sozialismus und Kommunismus in Frankreich*, (1848). See particularly the footnote p. 326ff., signed by the editor, but obviously written by Stein.

labor, of a labor organization, of social equality is not solved . . . it burns like a deep and deadly wound . . . in the conscience of European society after the disgraceful events of June 1848. . . . We cannot predict what will be the shape and the development of this question in the near future." He hopes that not only France, but also the German states, will give the lower classes the right to participate in the affairs of the state. "When the proletariat becomes involved in public affairs, the social question, e.g., the problem of capital and labor relationship will no longer be subject to one-sided theoretical interpretations, to utopian schemes and to the prejudices of party politics. It will be transferred to the realm of legislation where all interests and all moral elements representing the nation (*Volksgeist*) contribute to the organic growth of actual social conditions."

The socio-political struggle during the period in question is determined by the attempt to realize the ideal of human equality. The contradiction inherent in the concept of a "society of equals" is the source of major political conflicts which follow the French Revolution. Since society is an order based on the different capabilities of men and the different social functions are endowed with different degrees of prestige, the inequality of income is indispensable. A truly open society, providing chances for everybody according to his ability and regardless of his social background, would come as close to the realization of liberty and equality as is at all possible. Such a society can grow out of the established industrial society through social reform. The belligerent attitude of the proletariat towards industrial society and its corresponding political order is mainly due to the hopeless situation of labor. This antagonism could be eliminated if the worker would have a chance to acquire capital either by state or cooperative bank institutions, lending at cost, or by raising the income level so that he might accumulate it through savings. Other specific measures which Stein considered desirable are elaborated in his work on public administration; they include practically all the measures of modern labor law and social legislation, including public education, public housing, and public health.

Stein's suggestion to further capital acquisition by the worker as a means of alleviating the condition of his dependency is, of course, outdated today. To the extent that it is at all possible, it can hardly enable the laborer, in an era of large corporations, to establish his own enterprise and to thereby gain independence. Today, the struggle for an elimination of proletarian living conditions has shifted to the security of a well-paid job.

If we reconsider Stein's conclusions from the vantage point of the

present, it becomes clear that, in his study on the social movement in France, he foresaw the development of a welfare state—towards which industrial societies in Europe and, to a lesser extent, also in the United States have been striving—possible and necessary for a flourishing future of Western civilization. The fact that this development took place, not as he expected, through the superior insight of the ruling class, nor by authority of the monarchy of social reform, but under the pressure of unionization and the class struggle which he considered dangerous and destructive, should not prejudice us against valuing his vision.

STEIN'S POSITION IN THE HISTORY OF SOCIAL THOUGHT IN GERMANY

Stein's contribution to the growth of the social sciences extends over many areas and has exerted a significant influence in different directions. To give a comprehensive analysis of the abundance of material which he expounded and of the wealth of ideas he had to offer is not the subject of this introductory essay. But it seems appropriate to explore the influence of the present book on social thought in Germany at the time of its publication and during the following decades. It was, first, a powerful factor in calling attention to the social forces which influence the course of history and, secondly, contributed greatly to the growth of interest in welfare policy among German social scientists. These two major areas of Stein's influence correspond to the two different preoccupations of Stein before and after 1850. Both these trends of thought had already emerged at the time when Stein wrote this book.

Stein and the Socialists

Lorenz von Stein has frequently been classified as a forerunner of economic materialism; he was the first in German literature who proclaimed the preponderance of societal factors in determining the course of history, as against the influence both of ideas and of mere factors of political power. His relationship to Marx and Engels is, therefore, of particular interest.

The first edition of Stein's book was published in 1842, at a time when Marx had just come to Paris to study economics and the socialist movement. It was obvious, and has meanwhile been documented, that Stein's

book did not escape Marx's attention. Marx's essays on "The Class Struggle in France" (1850) and "The 18th Brumaire of Louis Buonaparte" (1852) are based on the same concepts and the same interpretations of the course of French history; the role of the proletariat which Stein formulated already in the first edition of his opus in 1842 is actually the central theme of the "Communist Manifesto" of 1848.²⁷ Yet the question whether Marx was essentially stimulated by Stein's book, and to what extent Marx's theory was influenced by Stein's analysis, has never been answered definitely, although it has been a matter of controversy for many years. In a recent publication [125b] Robert Tucker disregards all uncertainties by quoting a passage of Marx concerning the role of the proletariat in the coming revolution and claiming "all this is straight out of Stein" [p. 116]. There is certainly a striking similarity of the two authors' approaches to the political events of the forties and their interpretation. One has to keep in mind, however, that both Marx and Stein were under the same influences, not only as expounders of Hegelian thought, but also as students of French socialist theories; they became acquainted with the same sources and the same group of people [119, p. 174], the same economic conditions and the same intellectual atmosphere in Paris which abounded in new ideas and concepts concerning industrial society challenging social reformers. It was a period of great tension and productivity. The effort to come to grips with the acute problems of the time was a collective one, and it seems not only impossible but also unimportant to determine to whom credit is due in each single case. Thus Masaryk [103] emphasizes the fact that the rise of historical materialism was due to the intellectual climate of France in the 1840's, that it manifested itself in the writings of many authors, and cannot possibly be traced to any one writer of that time. He states: "I believe the influence of Stein on Marx was less marked than Sombart and Struve assume. Stein's interpretation is derived from the study of French socialists. Marx explored their writings also, although somewhat later. In addition, Stein was—just like Marx—a Hegelian; their development runs along parallel lines. I admit that Stein has contributed to the clarification of Marx's thoughts because his book is—considering the time of its appearance—certainly excellent; but it seems to me that Saint-Simon and Louis Blanc exercised a more direct and a deeper influence than the textbook-like exposition of Stein" [p. 39]. Georg Adler, on the other hand, assumed that "Marx must have been greatly stimulated by

²⁷ Heberle, Rudolf [94 p. 63] states "The first to point out the essential relationship between these thought systems [socialism and communism] and the rising movement of the industrial proletariat was probably Stein."

Stein's book." "Marx was acquainted with it before he studied the writings of the French authors." "Stein had found the material for his profound insight into the modern social movement in the writings of the great French socialists from Saint-Simon to Louis Blanc, but none of these authors stated all this as concisely and clearly" [1, p. 16].

Stein was certainly highly indebted to Saint-Simon, whose writings contain the earliest notions of historical materialism. While Vico, Montesquieu, Rousseau and Ferguson occasionally state the influence of socio-economic factors on political events, Saint-Simon, in attempting to discover the basic principle of historical development, conceived of social classes and their interrelationship as the propulsive force in history; the state is the institution used by the ruling class to suppress the lower classes and the antagonism between the propertied and non-propertied classes (*propriétaire and non-propriétaire*) is a decisive factor in any socio-political change.²⁸ But Saint-Simon did not yet envisage any active and autonomous partaking of the proletariat in industrial society. Stein leans heavily upon Saint-Simon in his theory of class formation and class struggle, and in his attempt to explain the history of his time in terms of changes in the social structure. He also elaborated Saint-Simon's interpretation of socialism as the first manifestation of a "science of society."

The original contribution of Stein was the sociological interpretation of the proletariat as the labor force in modern society and as a class-conscious unit struggling for power in pursuit of their interests. Practically all authors who explored the Stein-Marx relationship objectively have acknowledged this fact. Koigen [25, pp. 240, 251] states: "The great merit of Stein is his sociological characterization of the proletariat" and "... to have made it the central point of his analysis." Friedrich Mucke concurs by stating: "Historical priority of a sociological interpretation of the proletariat goes to Stein" [108 p. 34], and "Lorenz Stein has been the first author who delineated the proletarian class from other social phenomena by a strong emphasis on its typical characteristics, he recognized it as an eminent factor of future historical developments" [107, p. 329].

Földes [8, p. 295] comes to the conclusion that the concept of the proletariat is the most original contribution of Stein which had not yet been conceived by Saint-Simon or Louis Blanc; and Simkovitch [119, p. 175] points out that "Stein was the first historian of the fourth estate, the philosopher of its coming revolution and the only one who dealt with

²⁸ Stein acknowledges this, stating: "It was Saint-Simon who first called attention to the opposing forces of owners and non-owners. For this reason and not so much for other partly bizarre ideas, he became the first socialist of France." *Die Sozialen Bewegungen der Gegenwart*, (1848), p. 303.

this subject without partiality or bias." The opinion of Peter von Struve, [59,] a Russian Marxist, may be of particular interest. He states: "Stein was a bourgeois, a definite defender of private property and an equally definite opponent of communism, but his book was nevertheless a brilliant and epoch-making performance when it appeared." [p. 229].

What was new in the Marxian interpretation of the history of capitalism was the theory of the inevitable destruction of capitalism due to its inherent contradictions, and the positive accent given to the course of future events. Stein considered the situation as dangerous and the threat of the proletarian movement as disastrous for the future of society; he believed in the possibility of avoiding the "rule of labor" by appropriate social reform. But his social analysis provided Marx with an essential element for the construction of his own system of scientific socialism by assigning to the proletariat the role of the antagonist in industrial society in accordance with Hegelian dialectics. Marx [140] himself stated in a letter in 1852 that it was not he who had discovered the existence of classes in modern society or the class struggle; this had already been done before him by bourgeois historians; "What was new on my part was to show 1) that the existence of classes is tied to definite historical struggles of evolution (*Entwicklungskaempfe*) within the area of production, 2) that the class struggle necessarily leads to the dictatorship of the proletariat and 3) that this dictatorship is the transition to the abolition of classes and to a classless society." This marks off quite correctly Marx's own contribution from those of his forerunners.

Marx was doubtlessly indebted to Stein, with whom he became acquainted at a decisive turning point of his life. Plenge [113, p. 66] summarizes it very distinctly: "Stein had already formulated what was as yet a dim notion of sentiment to Marx, the class struggle, the proletariat, and communism as its inevitable goal . . . Yet it would be altogether wrong to consider Marx a plagiarist . . . In contrast to Stein quiescently abiding by his state philosophy, Marx could well consider himself as the greater scholar for whom Stein had prepared the way . . . It is clearly noticeable that Marx from then on acquired a new center of intellectual interest . . . The relationship of state and society became completely reversed." The assertion that the state was nothing but the instrument of the ruling class, that none of its activities was ever independent of it or even geared towards the welfare of the lower classes, is a point which clearly distinguishes him from Stein, who never abandoned the position that the state—despite its dependency on class domination—could and should play the role of a mediator in society. Marx came to different and less ambiguous conclusions, going far beyond Stein's deductions

as to the future class struggle and policy. Max Adler [68, p. 45] points out that "the opinion prevalent in bourgeois criticism of Marx which considers Marx's basic concepts as nothing but a variation of Stein's precepts is completely thoughtless." While to Stein the future was a matter of freedom, of choice and of idealism, Marx's analysis of capitalism is predominantly geared towards his theory of the inevitability of historical processes; his analytical interest is centered on resulting political developments rather than on a dissection of the past and the present.

In his analysis of the events of 1848, Stein never identifies himself with any class position; he takes a rather detached point of view, fully realizing that the capitalists were superior in power and that socialist and communist groups had no workable alternative to offer, as the failure of the public workshops illustrated. Marx and Engels, on the other hand, took a predominantly political and partisan position, based on their own theory, that a classless society would grow out of industrialism through the dictatorship of the proletariat and the destruction of the traditional power of the state.

The evaluation of Stein's work and its possible influence on the theories of Marx and Engels has been subject to frequent changes. It repeatedly reflects an emotional attitude, concerned with stressing Marx's originality and his independence from "bourgeois" historians. In 1848 there appeared a lengthy review of Stein's book by Moses Hess [16]; he was a friend of Marx during his formative years, before economic materialism had become a cornerstone of Marx's social philosophy. Hess was an utopian socialist [see also 65] whose approach to history Marx later denounced as "German or True Socialism" in the "Communist Manifesto." Hess criticizes Stein's preoccupation with the role of the proletariat in the revolutionary movement "which is repeated ad nauseam;" he belittles Stein's notion that socialism is the result of poverty and destitution, while Hess considers it to be the result of sympathy and compassion; his negative criticism of Stein's book, despite the fact that Hess was a socialist and intended to attack "the Hegelian of the center, unable to comprehend the theoretical truth of communism" (page 78), is nevertheless based on an idealism equally alien to Marx and to Stein.²⁹

That Marx was thoroughly familiar with Stein's book is clearly proven by his article against Karl Grün [32, 58]; it is a biting criticism of Grün, who is denounced as parroting Moses Hess and plagiarizing Stein. A few

²⁹ Struve [59, pp. 231 and 275], takes an even more critical position towards Hess by stating: "Hess is still more abstract, more idealistic and philosophical than Stein, he shares Stein's weaknesses without having his realistic force." "Stein's interpretation was much closer to Marx's thesis than the 'humaneness' of Hess."

interspersed remarks give us at least some indication of Marx's opinion on Stein at that time. He writes [58, p. 49]: "From all this one is able to see that Grün's concoction stands far below Stein's book, who at least attempted to trace the relationship of socialist literature to the factual development of French society." "Stein himself is extremely vague when he speaks of 'political factors' in industry. However, he shows that he is on the right track by adding that the history of the state is intimately connected with economic history." Until the republication of these articles in 1896 [58], it had remained uncertain and a matter of conjecture and subjective interpretation whether Marx had read Stein's book.

The only author who completely denied the influence of Stein on Marx in later years was Franz Mehring, a Marxist and a well-known authority on the history of the German social-democratic party; as such, and in view of Stein's growing conservatism and antagonism against party politics in later decades, Mehring takes a biased position regarding Stein's book. He attacked Struve and also Sombart's [120] favorable assessment of Stein by stating that "the historical significance of Stein's book is limited to its influence on bourgeois classes" [33, p. 453]. "Stein was a compiler; when he used his own mind, he wailed about 'subversive tendencies' or glorified 'social monarchy'; for those who had studied French socialism at its own sources, Stein's book meant nothing new" [33a, p. 380]. Mehring never accepted the fact that Marx showed a detailed knowledge of Stein in his Anti-Grün, but only admitted that it was "possible that Marx had read Stein, but that he certainly knew about French socialism and communism long before the appearance of Stein's book. . . There is not a word of truth in the whole tissue of falsehood of Stein's influence on Marx" [105, p. 187]. However, in another context he admits that Stein "uncovered the socio-economic basis of French socialism and communism and the class struggle between the bourgeoisie and the proletariat. It was a sour and unripe apple, but it was an apple of the tree of knowledge all the same" [104].

The most interesting question of what Marx, Engels and Stein thought about each other can only be deduced from occasional scanty references. Marx certainly never acknowledged having received any stimulation from Stein. The comments in his Anti-Grün, though not unfavorable—due to the fact that he wanted to illustrate Grün's plagiarism—indicate that Marx looked down upon Stein as having merely presented a rehash of Saint-Simon's theory. He did not consider him as an original thinker. There is one other reference to Stein in his correspondence with Engels [141]; in a letter of January 8, 1868, referring to Dühring's review of *Das Kapital*, Marx writes: "The funniest thing is that he (Dühring)

puts me together with Stein because I use a dialectical approach while Stein ties up the greatest trivialities in clumsy trichotomies coated by Hegelian categories." Engels' remarks are equally polemical when he speaks of the wilted misery (*matte Elendigkeit*) of Stein's book, or states that "among the professors and bureaucrats in Germany there were some clever speculators who translated foreign sentences into undigested Hegelianism—like Mr. Stein". [78].

Stein's opinion on Marx remains a matter of conjecture; we know for certain only that he was familiar with his early writings. The second edition of *Der Sozialismus und Kommunismus in Frankreich*, which appeared in 1847, contains a comprehensive bibliography organized by countries; under the subdivision "Papers which go beyond the French movement" Stein cites: "Karl Marx. *Misère de la philosophie. Réponse à la philosophie de misère de M. Proudhon* 1847. A comprehensive criticism of the latter work by Proudhon in two sections" (p. 588). He also mentions periodicals to which Marx contributed, such as the *Deutsch-französische Jahrbücher* and the *Rheinische Jahrbücher* and adds that the "first edition of 1845 was politically radical, the second of 1846, radical communist" (p. 590). There are several testimonies, however, as to his assessment of Engels' historical studies. Referring to *Die Lage der arbeitenden Klassen in England*, he states: "This altogether competent treatise has to its credit to have drawn public attention to the center of the organized proletariat, the English working class" (p. 587). In his article on *Die Soziale Bewegung und der Sozialismus in England* (1849), Stein discusses Engels' book at length, stating that "It is grandiose in its one-sidedness; it is based on the thought that the basest part of society makes up its major part, that society itself is at fault when the individual has to suffer and even in whatever misfortune the individual may bring about. This interpretation approaches the ridiculous, if, for instance, the bourgeoisie is held responsible for the fact that the dirty Irish are unwilling to mend their clothes and live on potatoes in order to get drunk on Sundays. We are definitely opposed to such an analysis of social conditions. Whatever may be true in this presentation becomes implausible and ineffective through the falsehoods it contains which are obvious to those who are familiar with the facts. Those, however, who do not know the conditions, are nothing but pamphleteers who stir up trouble in society without being able or wanting to suggest a cure or improvement. Nevertheless, it is owing to Engels that we have a picture of the extremes to which the reckless use of peoples in industry can go" (p. 469).

Some years later, in his article "*Der Sozialismus in Deutschland*"

(1852, Stein devoted a considerable section to the literature on socialism and communism in Germany. He separates scientific literature, under which he mentions his own works and those of Mohl, Bensen and Stirner, from propaganda publications. He does not mention Marx or the Communist Manifesto, but deals with Weitling, Grün, Hess, as well as Engels' book again, of which he states: "The treatise had a considerable after-effect in Germany. It presented a picture of the deepest misery in the dirtiest part of a dirty factory town in England; full of undeniable facts about this wretched sphere of industrialism, written with warmth and elegance, without any question the best invective written in Germany against industrial society; a partisan book as no other" (p. 538).

This all goes to show that Stein was familiar with socialist and communist literature and that he weighed their importance in the over-all picture. The fact that he never mentioned Marx again may have been due to the conflict in which he found himself: that his earlier writings prefigure Marx's approach, of which he disapproved. In his criticism of Engels and in his articles on the social movement in Germany, France and England, (1848-1852), his stern opposition to the ensuing class struggle, to communism and to the possibility that labor might take the change of social conditions into its own hands, is already fully discernable. He never explored Marxism or the ideology and political practice of the various socialist parties, although this would have been the logical sequel to his study of France in the 1840's. Perhaps in order to escape the necessity of dissecting later developments, he even refrained from publishing another edition of his book on France after the second edition of 1855 had sold out. His last edition of the *Handbuch der Verwaltungslehre* (1888) contains a survey on the international literature on socialism and the labor problem (pp. 77-82, 206ff). At the end of the chapter "Classes and class movement" he mentions Robert Meyer with reference to his *Emanzipationskampf des vierten Standes* as "the first author who has conceived and elaborated the idea of an independent class and its movement." He also recommends Meyer as a source of information on "how Lassalle and Marx have provided the theoretical foundation, especially with reference to the question of finance capital; and how the struggle against finance capital resulted in a general principle of the negation of property and led to a break with the Lassallians" (p. 81).

Stein may have felt that the socialist movement, drawing its strength from the relentless antagonism against bourgeois society, moved in the opposite direction from what he considered the most promising road towards freedom. Consequently he chose to ignore its ideologists and politicians. Intellectually he withdrew from this sphere of world affairs

and persisted only in advocating his own modest remedies, rather than analyzing the forces at work in modern society, the origins of which he had demonstrated so successfully.

Stein and the Social Reformers

While the traces which Stein left on the development of economic materialism remain obscured due to lack of information and the partisan attitude of the socialists, his influence on welfare policy in Germany is clearly discernable. The publication of Stein's book on socialism and communism in France made an enormous impression in Germany. "It opened the cover of Pandora's box . . . for the educated it pushed the door open to the subterranean channels which long ago had been hollowed out beneath the surface of society. What the regime of Louis Philippe had done in practice, was now also accomplished in theory: the bourgeoisie became aware of itself" [128 p. 584].

Stein's analysis of the coming class struggle had a lasting influence on the direction which political economy took in the following decades. This discipline, at that time in its infancy in Germany, centered around the analysis of the competitive market and on the quantitative aspect of production, without any concern about its negative impact on human welfare. The Manchester school had based its arguments on the assumption that free and equal individuals competed on the labor market and that "free competition" was the soundest way to select the able, that it promoted the well-being of all by enforcing maximum effort and maximum production. But it slowly became evident that, even though liberty prevailed, the market did not seem to provide a fair competition because of the inequality of the initial status of the competitors which made it impossible. Free competition, in theory the best method of giving a fair chance of success to everybody according to his ability, had in practice resulted in exploitation and pauperism of the larger part of the workers. Mohl [142, pp. 490, 501] had already raised his warning voice in 1840: "Fifty to sixty years have sufficed to produce millions of factory workers and to corrupt them at the core; a shorter period may be sufficient to have them confront in closed battle formations (*geschlossenen Schlachthäufen*) the other elements of society." "Every voice raised against these deeply immoral and extremely dangerous consequences of the economy of competition should be received as a blessing."³⁰ Classical

³⁰ Robert Mohl's line of thought shows a close kinship to Stein's. Whether priority in formulating the need for a new "science of society" goes to Mohl or Stein seems controversial. Gothein considers Mohl a forerunner of Stein, but Grünfeld denies this. See Grünfeld [13, p. 211]. Mohl and Stein have frequently acknowledged their mutual indebtedness. See also Nitzschke [38, p. 134].

ever, when Adolf Wagner, as the leading figure of so-called "*Kathedersozialismus*" advocated a basic change in the distribution of income by radical tax reform, Stein, towards the end of his life, took a vigorous stand against such measures.³² His main argument was that progressive taxation would endanger not only capital formation, which he considered to be the prerequisite of the expansion of the productive capacity, but social independence as well, because the power of taxation would thus be misused in the struggle between the classes instead of being confined to its proper limits of the "reproduction" of given conditions. Adolf Wagner devoted two comprehensive and most interesting articles [63] to a critical analysis of Stein's contention. He showed that Stein's arguments led him into blatant contradiction with his earlier interpretation of capitalism and social development, by lumping together state-socialism with socialism and communism. Adolf Wagner suggests that civil society will slowly be replaced "by a new period which one might call the social period [63, p. 67] in which "under the leadership of a monarchy of social reform [63, p. 119] and with the preservation of private property extreme differences of inequality will be eliminated by public measures." He thus became an advocate of a policy which Stein once considered as the justified and cogent conclusions of his own analysis.

Stein's Changing Perspective

Stein's ideas and concepts have to be evaluated with reference to the different stages of his life. Since he took—at various periods—diverging positions in explaining events and predicting the course of the future, he was bound to become a controversial figure among contemporaries. It may also account for the growing antagonism of Marx and Engels and other socialists in their polemics against Stein over the decades. Felix Gilbert [11, p. 24] comments upon the fact that "scholars have only to a very limited degree been aware of what they owe to Stein," in pointing out that Stein's position was not only marginal in relation to history, sociology, law and economics, but that he also stood on the borderline between idealism and positivism. But even this seems a simplification because it does not take into consideration his later development, when he tried to act as mediator between both, according to Nitzschke [38, p. 135]: "His theory of society of 1856 is an attempt to unify the . . . empiricist concept of Western Europe with the idealistic one of the German social scientists. However, he did not really succeed."

³² "Finanzwissenschaft und Staatssozialismus" *Lehrbuch der Finanzwissenschaft*. (1885). Vol. I, pp. 148-160.

Nitzschke distinguishes three major periods in Stein's intellectual development. During his student years, until 1841, he was under the influence of Hegel and Fichte, with a bent towards realism already apparent at that time. Stein's second phase, according to Nitzschke, runs from 1841 to 1851 under the influence of French thought; his interest is now focused on society instead of law, and changes from idealistic philosophy to an investigation of the reality of life. By that time, economic interests are to him the moving power of society and of history. Up to this point, when he was in his early thirties, his growth seems to have been consistent.

The break which took place in the early fifties and resulted in a turn towards conservatism flavored by romanticism is much harder to explain and therefore mostly a matter of conjecture. Nitzschke illustrates this change in an extensive analysis of his articles written in the fifties, without, however, explaining the matter. Herbert Marcuse [31] believes that the roots of Stein's conservatism can already be detected in the "Social Movement"; he interprets Stein's criticism of communism as "the veering away from the dialectical direction and following the ideas of positive sociology" [p. 387] in which the concept of contradiction is out of place and "social antagonisms are just a means for establishing social harmony" [p. 329]. Stein himself confesses to have contributed to "dangerous consequences" by assuming that the social order is merely a reflection of economic conditions; nevertheless, he also gives a warning "not to forget the practical basis of material life while aspiring to explore the superior essence of society."³³

The inconclusiveness of Stein's social philosophy emanates from his attempt to bring economic materialism and idealism into one system [2, p. 189]. It has its origin in his interpretation of the role of the state which is contradictory in itself. The state cannot be both an instrument of the ruling class and the impartial authority concerned about the welfare of all. Due to this basic inconsistency, Stein frequently contradicts himself, moves in circles, and feels justified to come to altogether different conclusions at different periods of his life.

If we compare the main theses of his book on France with later utterances regarding the labor problem, the change of Stein's position seems quite drastic. The social reform which he proposed to forestall social revolution had to be radical in order to accomplish what he considered the justified expectations of the proletariat. He envisaged a society in which the pattern of selection and promotion was exclusively

³³ "Das Wesen des arbeitslosen Einkommens und sein besonderes Verhältnis zu Amt und Adel." (1852). pp. 145, 146.

economics could not possibly grasp this fact, because it lacked the necessary frame of reference. In order to understand and explain these unhappy results, it was necessary to analyze society in its historical context as a composite of different groups whose power and interests vary. Stein's general approach to the social sciences, his assertion that state, society and the economy are just different aspects of the same entity, and his specific thesis of conflicting class interests in modern industrialism appeared to be much more realistic and convincing. He claimed that "economics so far has subordinated the individual life to the operation of the whole and has never strayed from this position to consider the individual which makes up the whole."^{30a} He formulated the task of responsible citizens as one "to find a form of social life in which private property is preserved and yet does not present an insurmountable obstacle for the full development of the personality."³¹

The position which Stein took in calling for social reform within the framework of industrial capitalism was certainly not exclusively his own. It reflected, at mid-century, the temper of the social scientists, as well as other figures of public life in Germany, and corresponded to the general dissatisfaction with the social consequences of early industrialization. It was Stein's merit, however, to have given the new approach in the discipline considerable impetus by providing a foundation in his general theory of society. Industrialism and capitalism, which had been accepted and interpreted as being the final and superior answers to providing an adequate living for the people, came under scrutiny now: they were increasingly seen and evaluated as a stage of development carrying the seeds of their own disruption. Warnings against the negligence with regard to human values resulting from unmitigated liberty in the pursuit of business gained momentum and became crystallized in a variety of social reform movements.

The opposition against *laissez faire*, and the call for constructive support of the laboring class sprang up in different circles and was not restricted to any specific doctrine. It came from different social groups and was tied up with different ideologies—socialist, conservative and liberal—all of which, oddly enough, showed traces of Stein's reasoning. Lassalle's analysis of the role of labor in modern society and the suggestions he proposed for further action have an unmistakable similarity to Stein's analytical arguments; the demand for universal suffrage as a constitutional right of the fourth estate, the need to provide capital for laborers in order to establish their independence, and the idea that the

^{30a} *Der Sozialismus und Kommunismus in Frankreich*. 2nd edition, (1848), p. 212.

³¹ *Ibidem*. 1st edition, (1842), p. 26.

state was the proper institution to carry out the demands of the laboring class—all this had already been formulated by Stein, although Lassalle, as a political leader of the working class, made an altogether different use of these arguments [13, 73, 109, 117]. Leading figures of the church—both catholic and protestant—raised their voices in concern about the worker's plight; their presentation goes far beyond a call for charitable assistance to the poor; it shows anxiety about the general state of society to which Stein had called attention. Bishop von Ketteler, the first Catholic priest to approach the problem of pauperism as a result of the laborer's class position, goes so far as to proclaim: "The statement 'property is theft' contains—side by side with a great lie—also a terrible truth" [138, p. 15]. What he demands is not charity, but labor association to right a wrong. Victor Aimée Huber, representing the Protestant view, followed a similar line of thought as political pamphleteer and advocate of cooperatives.

Stein's position has also been used to bolster the conservative view of the church. The catholic periodical *Oesterreichische Monatsschrift für Gesellschaftswissenschaft und Volkswirtschaft*, founded by C. V. Vogelsang, clearly reveals this influence. In an article "*Staatssozialismus und soziales Königtum*" Vogelsang [126] refers to Stein repeatedly and quotes him in his argument for the reestablishment of enlightened monarchy in order to cope with the misuse of liberty in a commercial bourgeois society. Schmoller [118] confirms that "the doctrine of the monarchy of social reform as conceived by Gneist and Stein had taken roots in spite of all derisions of the socialists."

The most meaningful and appropriate use of Stein's contribution, however, was made by the economists at German universities who, liberal in outlook, yet came to the conclusion that state intervention and labor organizations were necessary to prevent the disregard of human welfare in industrial society [111]. Stein left his mark on Roseher [115], Knies and Hildebrand and their approach to economics representing the Historical School; Carl Dietzel's [76] theory of society is direct offshoot of Stein's; Schmoller [52] appraised him at length and considered him "one of the most meritorious German social scientists;" (p. 114) he adds in refutation of adverse criticism that Stein is an author "whom nobody reads except scholars and from whom one can steal and plagiarize without scruples about ignoring his name or running him down." (p. 115)

During the year which had gone by since the first appearance of Lorenz von Stein's analysis of modern industrialism, his position had finally become common property of a leading group of economists. How-

based on qualifications and merit and in which inherited privileges due to property were completely abandoned. It seems impossible to have expected such changes during the early period of European industrial capitalism. To have asked for them indicates Stein's basic criticism of the status quo.

The changes in his point of view after 1850 became more and more prevalent in his later years and led to growing conservatism; he insisted that spiritual rather than material forces determined the course of history. Society, instead of being mainly a reflection of economic relationships, is now seen as an intricate organism in which every social group has its proper function. He shifts emphasis from the call for equality to the necessity of inequality, which he now explains as a result of innate differences between individuals and in terms of differences in education. The existing class pattern therewith becomes the proper framework of selection, and industrial society the most adequate social order to provide necessary opportunities to all individuals for the fulfillment of their destiny. Furthermore, the plight of the proletariat and the labor movement, which he once described with compassion and sympathy, is viewed with growing criticism as "mob-rule" and "demagoguery," a process of cultural degeneration; universal suffrage is seen as a constant threat of the victory of the dependent masses over the state. He even undermined his own concept of the proletariat by the qualification that a considerable minority among the non-property class is able to acquire capital and that its interests therefore run counter to the majority.³⁴ This distinction between the class movement and the labor problem, which "the first half of the century did not yet know"³⁵ now enabled him to approach these two problems—the identity of which he had first established—separately, by condemning the class movement on the one hand, and on the other by suggesting solutions to the labor problem by way of administrative policy. Good will of the ruling class, the authority of an enlightened monarch, and Christian charity were now considered to be the essential factors for the solution of the social question within the framework of industrial society. It signifies a strange metamorphosis of his original approach.

Two features characterize the change of position by Stein after 1850. He abandoned the idea and concept of "contradiction" in the capitalistic system which might lead to a new stage of social development, and refused to appraise labor's own effort to solve its problems through

³⁴ *Handbuch der Verwaltungslehre* (1888). 3. Part. *Die Verwaltung und das gesellschaftliche Leben*, p. 70ff.

³⁵ *Ibidem* p. 197.

unionization and the organization of the social-democratic party. His antagonism against all manifestations of the class struggle is all the more surprising because much of what happened between 1850 and 1890 he had clearly predicted earlier. It also seems inconceivable that he would not have realized that without the fervor and pressure of the socialist movement, social legislation would never have been enacted.

To explain the story of Stein's life and his intellectual development as opportunism is untenable, and has also been disproved by the fact that the roots and the beginning of his change are apparent before, and are independent of, the offer of his Viennese appointment [39]. It seems that Carl Schmitt [51] comes closest to a genuine explanation by tracing the final turn towards conservatism to the shocking and almost traumatic experience of the events of 1848, which destroyed the bridge between the socialist movement and the bourgeoisie. "The end of the European revolutionary movement of state and society meant for him also the end of the brilliant philosophical impulse by which he had comprehended the social movement in France before 1848" [51, p. 644]. What followed was a process of accommodation and adjustment. By the middle of the 19th century, industrial society had asserted itself, and the threatening forces which had led to a showdown in 1848 were under control all over Europe. Stein interpreted this as the stage of a new equilibrium between the social order and state organization which might endure, provided the ruling class lived up to its obligations. For those who lived the lives of the upper bourgeoisie, the deeper conflicts were now hidden under the flourishing of industry and commerce, and could be easily ignored. Stein never touched upon these problems again. He never regained his critical verve; not only had his viewpoint changed, but also his temper and his intellectual intensity. Originally a secessionist, he later viewed society like an academician.

The *History of the Social Movement in France*, the intellectual harvest of his early years in Paris, remains his masterpiece and deserves, as a work of great originality, a lasting place in the history of social thought.

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Lorenz von Stein: The History of the Social
Movement, in France, 1789 - 1850

Part One

The Concept of Society and the Social
History of the French Revolution
Until 1830

PRELIMINARY DISCOURSE

THE CONCEPT OF SOCIETY AND
ITS DYNAMIC LAWS*Introduction*

The present generation has begun to observe certain phenomena which had formerly remained unrecorded in everyday life as well as in science. . . . Powerful events have taught us that these phenomena are consequences of a force permeating the life of nations and of individuals; that they are by necessity interrelated, and that human knowledge has made one of those discoveries which suggests that behind the known world and its order there seem to be still greater powers and elements, which were, originally, viewed with skepticism and a certain awe, but for which there existed neither a name nor a law.

Our time is distinguished through the discovery of such fundamental forces in all areas. We have made unsurpassed progress in every field of knowledge. Knowledge about human life has also found a new field of inquiry, which it designates with a familiar term—i.e. the concept of society, the elements of society and the dynamics of society . . .

Society is one of the most difficult concepts in political theory, not only because this concept is so general that it is hard to give it a specific meaning, but especially because one has got used to associating with this term a more or less precise meaning. This meaning was completely arbitrary, since there had hardly arisen an occasion which would have made us aware of the substance of this concept. Whoever speaks of a science of society—as one talks of political science or economic science—is not only obliged to define the term, but also to oppose the mass of vague conceptions about it and the general belief that anybody might be right and should be allowed to assume whatever he pleases. If society is just as real, just as universal and just as necessary as is the state, then it must be possible to accomplish for the former what is considered necessary for any more thorough analysis of the latter: a conceptualized knowledge about its essence and a clarification of the inner contradictions of the term. If social life is not an inorganic and accidental accumulation of experiences but an independent and unique form of human life, there must be a vantage point from which it may be understood so that the

variety of its appearances may be grasped. This vantage point is given in the concept of society . . .

THE CONCEPT OF SOCIETY

The Community of Men and its Unity

The greatest contradiction in human affairs is that between the individual and his potential fulfillment. In every individual there is an invincible striving for complete control of the external circumstances of existence, and for maximum possession of knowledge and of material goods . . . But at the same time every individual is an infinitely limited being; his strength, his knowledge, even his time, barely suffice for the procurement of the basic necessities. He cannot even enjoy the pleasures his short life has to offer, still less do all the work that is required to gain them. His innermost nature aspires towards the best and the most beautiful, but what he alone can consider attainable during his own limited life is the measure of his poverty.

However, there is no such thing as an absolute contradiction, and the above sentences do not contain one. But the solution cannot be found in the sphere of the individual life. The limits of individual strength and individual life are transcended in the unlimited multitude of people, which possesses unbounded strength and unlimited time for the achievement of human goals. The increase in the number of people is the first requirement for the fulfillment of human aspirations. This multitude is in itself nothing but the simple aggregation of individuals. Since every person is independent, the mere number of individuals is only an infinite multiplication of the contradiction between inner yearnings and physical strength, the endless repetition of individual poverty. If this multiplicity is to bring the individual closer to his fulfillment, another element must be added. The multiplicity has to be made useful to the individual . . . The solution for the limited individual lies in mutual interdependence, in the community of men . . .

The community, which exists for the sake of the individual personality,—which encompasses these personalities,—can only be understood in terms of the individual personality. The community can hardly be of a different nature than personality. On the contrary, in order to identify and fulfill its task, the community must itself be a living entity. Personal life is distinguished from impersonal and natural life

by being self-determined; it bears within itself the need and the strength to set its goals and activities. The agent which carries out the goals set by self-determination is volition. The accomplished self-determination is action. Every personal life is a unity by virtue of its will-power. Whatever lacks will is without self-determination,—it is the natural, the thing. Only as a result of action does life appear to be a self-determined unity; things cannot act. If the community is independent of the existence of any one individual, and if the community possesses the essential attributes of personality, it must have an independent will which enables it to regard itself as an independent unity and to fulfill its self-set goal . . . Such a community, with an independent will, is what we call the state . . . The state is the personification of the community of men in terms of its will and action . . .

Any object controlled by a person's will has a twofold life. It serves and obeys the unity of the whole, yet it also exists according to its own laws. It is subordinate to the will of a person. Whenever this will relaxes, the object tends to reassert its own independent dynamics . . . Now, what is that object that is subordinate to the state but nevertheless retains its own motions? Clearly, since the state represents the personal community of men, this object is nothing but the independent life of all individuals. They are subjected to the will of the state whenever it becomes manifest; but the state cannot dissolve this independent life altogether, which, therefore, continues to develop and progress according to its own laws.

At this point, the concept of the community of men has to be revised. It is no longer identical with the concept of the state. The independent life of all individuals—the atoms and objects of the state's will, as it were,—is neither completely comprehended nor explained by the concept of the state. What, then, is the content of this second element of the community, and what are the rules and laws of its independent life?

The Organism of Economic Life

The life of each individual, built on the contradiction between his inner infinite strivings and the limitations of the external world, is a permanent struggle with this world . . . Labor is the regulated and purposeful activity of the person struggling with the material world and reshaping it for the satisfaction of his needs. Goods are the result of labor capable of satisfying our needs and serving our pleasures. In this sense, the life of all individuals consists of creating goods. Here the limitation of the person shows up most clearly. Nobody is able to produce all the necessary and desired goods by his own labor . . . Only

the community of work and production can provide this wealth of goods. The aspirations of man therefore lead to the organization of work for the production of goods. At first glance, this organization may appear accidental and arbitrary from the viewpoint of the individual. But actually it is a phenomenon just as powerful as is the will of the state . . .

Every object transformed into a product by labor is *property*, and the essence of property is the exclusion of every individual from the possessions of other individuals . . . However, there is an element of transcendence in the concept of property: the demand of the individual for the product and for the work of other individuals. We need not prove here that property can never be fully utilized by its owner alone . . . The interaction of those who own and those who work is not mere co-existence, but rather a dependence of the activity of one group upon the possessions, the will, and the activity of the other. This mutual dependence, which is inherent in the nature of labor, is neither accidental nor arbitrary; it is independent of individual whims and is enforced by the nature of production. It is the organization of co-operative production, part of which has been termed the division of labor . . . This whole area of production and distribution of goods is most appropriately called the *economy*.

The economy has its basis in the fact that the realization of personal fulfillment in the outer world is only possible through the community of men. Political economy looks at the economy only from one point of view; it shows how the unity of men succeeds in controlling resources and in acquiring wealth . . .

The economy, however, is not restricted to the phenomena of wealth and poverty, nor to the laws according to which they change, nor to the organization of labor and possessions, which it presupposes as well as determines. The impact of the economy goes beyond that. Through the intimate relationship between property and personality, the economy affects the very core of individual life. Here a new series of phenomena can be observed.

The Order of the Human Community

. . . It is one of the most remarkable facts that natural objects which man puts to his service have almost as much influence on him as he has on them . . . How very much does the total outlook on life vary depending on differences in occupation! The farmer, the city dweller, the nomad, the laborer, the supervisor, the scholar, the artist—how very differently do they view the world. How very much do they differ in

physical strength, in knowledge, and in the work which is done by each of them. And still—the individual behavior of each of these does not spring from his individuality but rather from the peculiarity of the goods to the production of which his life is dedicated. Here is a large and promising area of investigation. It is, no doubt, true that in general the specific function of a person in the economic system creates and conditions his particular personality.

. . . Also, the extent to which man owns property has a conditioning effect on the development of his personality. Greater wealth makes possible a higher degree of development. It is true that powerful personalities will always offset this principle; but as a rule, the difference in possessions produces a difference in individual development . . .

The occupational role of the individual requires him to adjust his individuality to his work. This makes him more suitable for his specific function but also less suitable for any other. He is, therefore, bound to his specific task; it is difficult, or even impossible, to change to another one, even though it may rank higher and be more rewarding. . . . The individual seems to be completely free to decide originally which way he wants to take; but the decision keeps him on the path on which he has started . . . He is no longer the master of his career; the career becomes his master. According to this law, thorough training subjugates the individual and determines his earning power; it eliminates his arbitrary freedom; it ties the free individual inescapably to the sphere determined by his work.

According to the laws of the economy, the various occupations are organic parts of a whole . . . Through his occupation the individual enters irrevocably into the economic order at a specific point; he cannot leave it at will. Thus the organization of economic life becomes the order of human community.

. . . As we have shown, everybody is dependent on the acquisition of goods for his personal development . . . Labor presupposes material . . . Everybody possesses his labor power, but the resources are limited. Those who own the material also control the economic opportunities for all those who do not have property. The latter—if they are to utilize their labor power—are dependent on material which is the property of somebody else, material which they cannot use without the consent of the owner. Therefore, all those who own nothing but their labor power are dependent on those who own property.

The order of the human community resulting from the laws of the economy is forever and unalterably also the order of the dependence of those who do not own upon those who do. These are the two large

classes which necessarily evolve in the community. No historical movement or theory has been able to eliminate their existence . . .

The Concept of Society

. . . Property appears in a variety of forms. We distinguish three major classes: landed property, moneyed property and industrial property of fixed capital. Each of these classes is subdivided into different groups. Landed property can take the form of land proper, of the right to let on lease under various conditions, of house ownership which yields rent; moneyed property can take the form of unredeemable capital which merely yields rent, or be used as productive capital; industrial property consists of factories, machines, ships, warehouses, etc. . . . Since all these possessions have their common denominator in the value of money, the ranking of the possessions as well as of the owners is determined by the amount of value which the possessions have. The kind of property determines the individual life sphere, the amount determines the rank order of the owners.

In a similar fashion, there are many different types of work; and work has, to a greater extent than ownership, the power to shape the free individual according to its peculiarities. The concept of work contains two elements: the mental and the physical activity of man. Depending on which of these two elements prevails, we distinguish between free and mechanical work, the former being superior and more remunerative. Again, management of labor is an independent task, subordinating labor of all kinds. Thus, a rank order develops within the class which is dependent on work . . .

The mutual relationships of the classes and the various groups within the classes are in a constant flux, producing ever-changing conditions. The most important factor in these relationships is the relation of specific types of work to specific types of ownership. Work determines the life of the workers in the same way that the type and amount of ownership determines the life of the property owners. Therefore, the relationship of individuals of the unpropertied class to a specific kind of property also establishes a close relationship with its owner. The dependence of labor upon materials develops into a dependence of the worker upon the owner. Although the latter plays the dominant role, he is nevertheless also bound to the dependent worker, due to his needs. From an originally circumstantial relationship there eventually develops a basic relationship; new terms, new facts in the life of the community, and new concepts emerge. In the realm of landed property, this relationship is originally and externally that of master and servant—

the system of domestics and manorial dependents—a relationship which, because of the nature of the property, can only evolve on a landed estate and in domestic life. The intrinsic relationship which develops out of mutual dependence and service is one of loyalty and devotion; this lends a noble quality to the dependence. In the factory there is nothing of this kind, because here, instead of the personal lord who rules the servant, the general rigid organization of labor, which transcends individual arbitrariness, controls the worker. The situation is different again in business life, where the employed person is more of an assistant with limited authority than a servant. These distinct forms of social organization reflect the general principle of dependence of the non-owners on the owners . . .

The description and analysis of these forms of dependence open up a large field of study which is all the richer the less it has already been subject to investigation, and all the more important the deeper it reaches into personal life and the more irresistibly it affects what is truly free, i.e. the human personality. There will be a time when this area of social reality will be considered worthy of the greatest scholarly effort. This time is approaching; its basis is the realization that the perfection of personality is the highest goal of man's life in this world.

If this order is stable and beyond arbitrary change because it grows out of the element of property and work reaching far beyond the individual, can one then assume that the individual is at least able to define his own position in this order in accordance with his desires and his individual tastes?

The answer is no. Closely interwoven with the order of society is another power whose source until now has been almost exclusively sought in the sphere of ethics and law . . . This power is the family. The family raises the children, and since the position of the family is determined by the husband's position, the children get the education which is made possible and, as it were, naturally determined by the position of the head of the family.

The family determines the position of the individual in the community. It is quite natural that a family is able to convey to its children only the kind of expectations which it holds itself. The condition of the family thus extends far beyond the life of its head; it controls the future of his descendants. Although some break through these limitations, the position and fate of a family are as a rule decisive for the families of its descendants. With few exceptions, the children of farmers become farmers again; the children of laborers become laborers; indeed, they even work in the same trade as their fathers. Only the exceptional

and the lucky move from one class to another. However, the exceptional gifts are not less rare than the exceptional chance.

In this fashion the economic order becomes the order of men and of their activities: through the family it becomes the permanent order of subsequent generations. The community of men whose organic unity of will is expressed through the personality of the state achieves in that social order an equally stable, equally great, and equally powerful organic unity of its life; this organic unity, conditioned by the distribution of possessions, regulated by the organization of labor, set in motion through human needs, and bound to the family, is *human society*. All these elements originate in the concept of society. None of them separately can offer an explanation of human life, because none of them encompasses the whole individual and the whole of his life . . . It is only through the concept of society that the concepts and sciences of economics, of labor, of householding economy and of national economy, of the family and of law, gain their highest common perspective. Only here do they attain the highest point of this worldly life, i.e. the individual and the fulfillment of his destiny.

THE PRINCIPLES OF THE STATE AND OF SOCIETY

The Concept of the Life of the Community

After having defined the abstract concept of society, we may now look at the more general entity of which society is only a part . . .

The potentialities of the individual were our point of departure. They cannot be realized as long as the individual lives by himself. These potentialities, therefore, represent both the necessity and the essence of human community, which, in turn, has an existence independent of the individual.

As a precondition for the individual, containing and encompassing the individual, the community is itself a living personality. Unquestionably the community has a life of its own; unquestionably, its life affects the individual life with great and irresistible power. Everybody feels himself not only surrounded and steadied by this community, but also swept away by it when there is agitation, or restrained when the community is inactive. Nobody, no matter how powerful or indifferent, has been able to resist completely the vibrations of community life; in fact, community life is the light, air and soil for individual life. Like every

great and general power, it is tacitly present at any point; it is irresistible because it presents the conditions for the attainment of almost any purpose . . .

Life is motion which in any given unit is brought about through the movement and countermovement of the personal and the non-personal. The former tries to subdue the latter, which in turn constantly tries to detach itself. The absolute victory of the personal, the complete destruction of the non-personal in the personality, is the one frontier of life; for this absolute domination of the purely personal, which is contradictory to the concept of mortal man, represents the existence of the Transcendent, the Deity. The victory of the natural means death. But life is movement between opposing poles. Therefore, life is a struggle, just as thought, which is the life of the mind, is for the same reason able to express itself only in terms of contrasts. The whole is the human community. What is the personal and the non-personal in this human community?

The personal, self-determining element in it is the state, the personal organism of the general will. The non-personal, which does not derive its organism and its movement from the general will, and which therefore establishes a general and stable order on the basis of the natural components of life, is nothing else but society. State and society are essentially not only two different forms of human existence, but they are *the* two different life components of every human community.

Since life represents a constant struggle of the personal self-determining element with the non-personal and the natural elements, the life of the human community is a permanent struggle between the state and society. If this is correct, a perfect and undisturbed harmony between state and society, a condition in which society is completely merged with the state, is as unattainable as the Divine. An absolute peace between both is precluded by the very essence of life. And it is also certain that the complete dissolution of the personal in the unpersonal, the extinction of the idea of the state within the order of society, means the death of the community. The world does know death. There are no perfect nations, but there are dead nations. They are the ones which no longer have a state, i.e. those where the power of the state is completely concentrated in the hands of society. The character of a nation's life emerges in the constant struggle between state and society . . . The past as well as the present is nothing else but this struggle. The near as well as the distant future will be nothing else but the constant struggle between the idea of the state and that of the social order . . .

But it is not sufficient to say that the state represents the personal

element and society the non-personal element of the human community. Both are equally alive, both aim at something definite; does therefore each of them have a principle of its own which is opposed to the other? . . .

The Principle of the State

. . . The state is the common will, the personal unity of all individuals. . . . Since all individuals contribute towards the formation of the state's personality, their stage of development determines the stage of development of the state itself. The conclusion is obvious: the more intelligent the citizens who live in a state, the more intelligent is the state; the more wealthy they are, the wealthier is the state; the more vigorous the citizens, the more vigorous the state. If, however, the sum total of the citizens' intellectual, physical and material possessions declines, then the state will regress. Therefore the following highly important statement can be made, namely: that the degree of accomplishment of all individuals determines the developmental stage of the state . . .

In order to attain its own highest goals, the state, through its supreme power, must further the progress, wealth, vigor and intelligence of all its citizens. The state can only further itself by furthering the interests of its citizens . . . The basic principle of the state . . . is contained in the achievement of this task . . .

The state as an independent personality is above all an organism . . . The will of the state, like that of any personality, turns into a decision through deliberation; to execute its will the state possesses means of coercion which compel obedience . . . The active participation of the citizens in shaping the will of the state raises, more than anything else, the individual above the narrow limitations of his life. In fact, the full growth of the individual's strength and dignity depends upon it. If the state wants to achieve the highest development of all individuals in accordance with its set goals, it has to assure first of all the organic participation of its citizens in the affairs of the state.

This organization of individual participation in the organic life of the state, particularly in the formation and determination of the personal will of the state, is called the constitution of the state. The right of the individual to participate in the affairs of the state is his *civil liberty*. The principle which governs the state, therefore, presupposes for the realization of this principle first of all a constitution which addresses itself to every citizen and guarantees liberty to the individual. This is only one part of that principle . . .

The activity of the state, carried out by its organs and constituting the external life of the state, is called the administration of the state. Any state, no matter at which stage of development, has an administration . . . It must aim to promote by legitimate means the highest development of all citizens. The state administration exists in its purest, most ideal form if the life of *all* citizens is its exclusive concern. It will be less effective to the extent that the number and need of those who are neglected by the state rises; it will be more perfect the more it proves able to offer everybody the possibility of highest personal development. This is the other part of the principle of the state.

If it is correct that this principle of the state with its two contents, constitution and administration, is not arbitrarily adopted but inherent in the nature of the state, i.e., a *conditio sine qua non* for it, it follows that the state must strive for the realization of this principle. The state often acts contrary to this goal, apparently without intention, and often without knowing it. The individual state, however, can die. Death occurs when constitution and administration exist without regard to individual well-being, i.e., when the state exists only for its own sake. All absolute states succumb to this kind of death, quicker and more violently the more they disregard their task. As long as the higher goal of the state is manifest in any constitutional or administrative sphere, there is life and hope for its improvement. It is possible that, having disappeared altogether from the constitution, the purpose of the state continues to exist only in the administration. History knows many examples of this so-called enlightened despotism. But since constitution and administration are necessarily interconnected, there will either emerge from the administration a free constitution, as in the Germanic states, or the administration will also cease to exist. The idea of the state is alive whenever we can observe in the human community the unified striving of all, in constitution and administration, being directed towards this goal. And again, wherever the community, as a whole or in part, is looking for help, it turns necessarily to the state; it knows unconsciously that the commitment to its goal will cause the state to render help to those who are in need. For the state is adversely affected by the unsatisfied needs of its citizens and, any help given to them will benefit the state as well.

This may explain a phenomenon characteristic of the origin of the modern European states. Among the great variety of state forms, monarchy is the purest manifestation of the independent personal state. It has risen out of the need of the suppressed groups of various peoples; it has gained power everywhere by natural support of the people; and

it has been most stable wherever it has used its power in accordance with the above idea of the state. It is jeopardized if it deviates from it; its past has rested on this principle, and its future will do so also . . .

On the basis of this principle, we may develop a complete, harmonious idea of the state. It is not difficult to devise the ideal of a perfect constitution and the design for a truly good administration. But why then does any state rarely succeed in realizing these ideals? What is it that makes a state use power for the opposite ends; what arrests it when it should progress? Clearly if this happens, it cannot be caused by the state. If the state operated exclusively in accordance with its nature, it could not possibly act against it. There is something within the state operating against it. This something is *society*. Does society adhere to a different principle of existence than the state? If so, what is this principle?

The Principle of Society

For centuries, many great men have tried to formulate the principle of the state, but nobody thought of the possibility that there might also exist a principle of society. And yet it does . . .

The organism of society, too, like that of the state, grows out of the need of the individual personality; it too serves the individual's full and harmonious personal development. However, while the state integrates, for this purpose, individuals into a personal unit, society subordinates individuals to other individuals . . . Therefore, in society the *relationship of individuals* is the basis of all development.

Since a single person can accomplish very little to attain his goals, he has to use other persons for his own purposes. The more others obey and carry out the will of an individual, the more wealthy, powerful and happy that individual is . . . There is, therefore, a general human tendency to attempt to subject others to one's service. The dependence which this service presupposes, the subjugation of one personal life to another one, is based on the *possession of the means* by which one person can force another into subordination . . . Acquisition of means which results in dependence of others, becomes, therefore, the necessary and unavoidable life task of each individual; this is not an accidental and arbitrary occurrence, for the highest ideal of individuality is realized by these means and the resultant dependence of others.

In this fashion, acquisition, possession and dependence, which turn a community into a society, gain their real significance. They are no longer mere facts but elements of personal development; society is not merely an order of persons, but it is an order which also represents the

various stages of social development among men. Thus it becomes apparent why society and the organization of society is necessary and why the individual untiringly seeks to achieve a higher position in society. This apparently external position determines the *degree of individual perfection*.

The efforts by which the means of one's own independence and those of the dependence of others are acquired, directs the life of everybody in all societies. It is the moving force in society. It is, of course, of infinite variety for different people under different conditions. . . . It is essentially identical in all societies because everywhere it serves to procure, for the individual, the means for personal perfection through the dependence of others. The awareness of this which regulates all outward activity, which is always present and alive in every individual, determining his social position, is called *interest*. Interest, which is the center of all human interaction and therefore of all social motion, is the *principle of society*.

Dependence based on the distribution of wealth determines the concrete form of a society; interest is society's dynamic principle . . . The interests of those on whom, because of their property, others are dependent are directly opposed to the interests of the dependent. This first class of society wants to enlarge and strengthen the system of dependence; the others want to abolish it. This is the general character of any society; its specific features are determined by the conditions which regulate the distribution of property and the relationship of dependency. If the property is real estate, the interest of the owner is to leave the property intact and undivided, while the non-owner wants to parcel it out and acquire it for himself. If property is in the form of capital, the interest of the owner aims at appropriating the whole investment value and therewith the whole return of capital, while the non-capitalist demands freedom from the domination of capital in earning his wages. If property is industrial, the owner wishes the profit to go only to the management, while the laborer strives at gaining a profit share beyond his mere wage. If all three kinds of property are present, one type is opposed to the other; the landowner does not want to be dependent upon the capital owner and vice versa; the same is true of the relation between capitalist and entrepreneur. Within the same class, the interest of large property is adverse to the small property holder, because the former always wants to force the latter into dependency. The more intimately the types of property and acquisition permeate each other, the more diversified and involved become the various interests, and the more difficult it becomes to describe them in

simple terms . . . This interrelationship of interests, however, can be subjected to a clear, comprehensive and systematic analysis; it is the primary subject matter of the science of society. This is the much-sought basis of the science designated to absorb, in the near future, all areas of the so-called "sciences of the state" (*Staatswissenschaften*) . . .

We have stated that the principle of the state consists of elevating all individuals to complete freedom and to their fullest personal development. Furthermore, we have shown that the principle of society consists of the subjugation of some individuals by others, the perfection of some through the dependence of others. What follows?

Decidedly this: that the principle of the state is in direct contradiction to the principle of society. It is true, as we stated earlier in general terms, that two opposite poles, repelling each other and fighting against each other, are present in any human community; it is true that these two poles—state and society—determine the life of the human community precisely because they are opposed to each other. It follows that social life can only be understood by comprehending the nature and the strength of these two elements . . . Both elements are rooted in the principle of the individual; therefore, they determine each other and belong together; their actions, though contradictory, are yet regulated by a common higher principle. This struggle between them produces a movement regulated by definite and intelligible laws.

Since the contrast between state and society determines the life of the human community, these laws are the general laws of the life of the human community. They will determine the future as they have ruled the past. They represent the realm of necessity within the freedom of social life; they are the eternal matrix according to which mankind has to move . . .

ORIGIN AND CONCEPT OF SOCIAL DEPENDENCE

The Initial Source of Dependence

. . . We speak here of the pure concept of the state in the sense in which it is a realization of the ethical idea . . .

The ideal concept of the state encompasses the multitude of individual personalities, without making any distinction between them. Within the conceptual framework of the state all individuals are equal and free. But the totality of members of a state for whom this principle

of liberty is valid are the very same persons who constitute the social order of the community. The development of this concept, and the description of the actual society, show that the members of a multitude can neither be conceived of as being equal nor are they equal in fact. The existence of a ruling and a dependent class is the most general and unalterable fact in any society. Since every state contains a society, the contradiction between state and society is ever present. Every state reflects this contradiction. Every state is affected by it and has to combat it. The state is confronted with the question of the interdependent relationship between itself and the elements of society.

Since wealth, power and fortune of the state depend on the well-being of its citizens, the position of the ruling class, considered independently, is in complete harmony with the idea of the state. The state necessarily wishes that this class should exist; it must protect and preserve its members, since through them the ideal environmental conditions for the development of the individual are provided. But the position of the dependent class definitely contradicts the idea of the state for exactly the same reasons . . . The full development of the state is impossible if thousands of people will never be able to develop their individual gifts. The state, therefore, has to eliminate the existence of the dependent class; the existence of that class, not the existence of society as such, is contradictory to the aims implied in the concept of the state.

The state as a living entity conscious of its task has the will and the strength to work towards an elimination of this contradiction. In principle, the road to be pursued is simple. We have seen that realization of the principle of the state is accomplished by the constitution and by the administration. To alleviate the dependence of the lower classes, the state will, in the first place, guarantee by the constitution the equality of all citizens under the public laws. This will become the supreme principle of the law; in the sphere of administration its first concern will be to raise the status of the lower classes . . .

However, since the existence of the social order depends on the preservation of dependency, any step in this direction is contrary to the established social order, in particular to the social position of the ruling class. The state moves into a direction opposite to that of the ruling class; such a conflict reflects the contradiction between the principle of the state and the principle of society. For the ruling class stands to lose its power position and the many enjoyments resulting from it if the endeavors of the state succeed. The ruling class, being the more

wealthy class, even has to provide the material means to improve the lot of the lower classes, thereby curtailing its own advantages. The ruling class, therefore, is by its very nature the true adversary of the ideal state, which threatens its existence . . .

The consequence of this peculiar conflict can be clearly stated in one sentence: Since the higher class of society is unable to change the state, or to eliminate the state altogether, or to resist its power, it aims if possible at taking exclusive control of governmental power. This is the first natural law of all relationships between state and society.

How the Ruling Class Gains Control of the State

. . . If it is true that it is in the interest of the ruling class of society to take possession of the state, the question arises whether the state has the means to defend itself against the power of this class, and, if not, in which manner state power is seized by the upper class . . .

To begin with, the state is . . . merely a fictional concept; its existence is only abstract . . . It does not possess a concrete form; there is nothing that would represent it exclusively . . . To the individual, it only appears necessary to have a state . . . To become real, the state needs the individuals; it depends on the individuals to develop its organs. These individuals, however, are all members of society; and it is society which determines their individual positions. Since the state has to transfer decision-making and executive power to the individuals, social life is inextricably interwoven with the life of the state. The individuals, by participating in the life of the state, project their social claims, hopes and opinions into the constitution and the administration. Therefore, the true concept of the state never fully evolves, because the spirit and the mode of operation of the actual state is thoroughly permeated by social elements . . . The state is unable to exist apart from society; it cannot escape the elements which determine the social order, because it is represented by persons who occupy, independently of the state, different positions in the class structure of society. The state loses all independent power to act in opposition to the ruling class, due to the unavoidable fusion of state and society. Although in theory the state is the governing power, in reality it is subordinate to society. If this general statement is correct, the frequently proclaimed demand that the state alone ought to resolve the conflict and remodel society is therefore pointless. The struggle between liberty and dependence is rooted in society, and society becomes the true fountainhead of liberty and dependence. . . .

The ruling class captures the state by organizing and securing a

dominant position in the constitution and the administration . . . If the will of the state is to be subjected to society, the constitution has to be set up in such a fashion that the dependent class does not participate in the formulation of state policy, or in such a way that the wishes of the upper class prevail . . . This can be accomplished by establishing prerequisites for participation which only the upper class is able to fulfill . . . The first and most logical qualification is one of property. This is most clearly seen in the so-called property qualifications. All constitutions therefore start out and end up with property qualifications, the more so the more the constitution is socially conditioned . . . It may be a specific kind of property; it may be a specifically privileged property; it may be a specific level of education which is made a prerequisite for participation in state activities . . . The differentiation of property constitutes the essential difference among various constitutions . . . If a specific kind or a specific amount of property distinguishes the ruling from the dependent class, then only those who own this type or amount of property will be entitled to political participation. To illustrate this principle, we may mention the feudal system, where only a privileged type of landowner-ship entitled the aristocracy to representation . . .

The second sphere of state life is the administration, which comprises more than the constitution . . . Administrative functions are performed by permanent organs of the state; they act in the name of the state, and command the whole power and authority of the state for all their actions . . . Within circumscribed limits, they possess complete freedom and the entire right of the state to decide upon the application of the general rule to specific cases. Therefore, their power is great; in fact, as a whole, administrative power is the greatest power in the human community. These state organs are designated by the term of public office . . . If the ruling class wants to control state administration, it has to control public offices.

In general, this is accomplished by making the conferring of office dependent on personal qualifications which only the members of the ruling class possess and on which the ruling classes decide. However, the ruling class seldom stops at that. The rules for holding office grow out of the interest of the class as a whole, but at the same time this interest is the individual interest of each member of that class. Once class rule is secured, the individual interest predominates; and the filling of offices is subject to distinctly personal conditions, such as kinship, wealth, influence or connections. In this manner the ruling class obtains control of the organs of state administration . . .

The administration therewith loses the power to represent the true

conception of the state independent of the influence of the social order. By obeying the legislation which is under the control of the ruling class, the state administration, dominated by members of this same class and surrounded by its elements, serves generally and specifically their interest. This completes the explanation of our original assertion that the whole power of the state in all its parts and relationships does not fall to society in general, nor to the people as such, but to the ruling class of society . . .

*The Actual Development of Social Domination, Class,
Social Privilege, Estate and Caste*

. . . Since both the constitution and administration of the state are controlled by the ruling class, legislation and law enforcement are carried out in the interest of the ruling class, which, through its dominating social position, also becomes the repository of political power. This means that in the constitution and administration, state authority is always applied to preserve and promote those social conditions on which rest the dominating position of the ruling class and the dependence of the dependent class . . . The dependence of one class on another rests on property, and all property is acquired. Acquisition of property, inasmuch as it is open to members of the dependent class, will endanger the stability of the ruling class and its control over the state. In order to maintain the status quo of the social order, those who do not own property have to be excluded from acquiring it. This is accomplished by the law which sets up the principle of inalienability and indivisibility of landed property, or by limiting the sale and inheritance of land to members of the ruling class. Thus, the property-holding class always becomes dominant, although domination takes a variety of forms: primogeniture, entailed estate (*Fideikommiss*) and other such institutions.

However, one kind of property can still be acquired, e.g. the accumulation of capital invested in all kinds of enterprises. All labor is directed towards the acquisition of capital. The simplest preventive measure is to restrict acquisition and to legally exclude the members of the dependent class, as is the practice of the craft guilds, corporations, the holders of franchises, of monopolies, etc. However, if free enterprise prevails, other safeguards develop. It is a well-known economic principle that capital can be gained from work only through profit. It is profit which capital-owners need in order to perpetuate their rule over labor, and it is this same profit that labor wants to acquire in order to break down the barriers between labor and ownership. This is the point at which state administration regulates economic life in order to preserve

the existing social order by state authority. It subjects the laborer to the control of the employer, and declares the attempts of the laborers to gain a share of the profit by withholding their labor as unlawful. This results in the policing of labor, which is as powerful and important a weapon against labor as are the laws of guilds and monopolies.

These two factors are the first to reveal the character of the domination of the more powerful social class over the state. We can express them in the concept of social right (*Gesellschaftliches Recht*.) Grown out of the nature and the needs of society, social rights (or socially conditioned privileges) provide a stable system of stratification and prevent social mobility. The study of social rights, which play such an important role in the life of all people, has not yet found its place in science. If we learn to understand the character of society, social rights will eventually be assigned their proper place.

Since social privileges develop as a result of the control which the ruling class exercises over state administration, the extent of these privileges is an indicator of the amount of power which that class holds. The more powerful the ruling class and the more pronounced its privileges, the more rigidly they will be used, since they are the oncs which protect the dominant position of the ruling class. The longer this domination lasts the more elaborate the privileges will be . . . The social system of legal privileges is the measure of the power a single class possesses over the state. It is therefore an important concern of our times to analyze this social system of legal privileges as a separate entity.

After the autonomy and domination of the ruling class are secured, a new concept of the family and the right of the family evolves. Families transfer their social position to their descendants; in all societies birth is the fact which ties family members to a class. The resolute domination of the upper class aims at deriving a right from this fact by tying the individual, independent of the material circumstances, and solely on the basis of family and birth, to his class. This is what happens long before it becomes a law. But only through the law does birth cease to be accidental. Thus the principle develops that birth separates the classes and that acquisition and property only determine the subdivisions within the classes. If this is legitimized by the state, the class changes into an *estate*. Through the law, the estate bestows certain privileges or disadvantages on the person, without regard to other social conditions, exclusively on the basis of birth. Social rights and privileges culminate in the rights and privileges of the estate (*Ständerecht*), which sets absolute boundaries to the activities of the individual. . . . The state now interposes itself between the individual and his attempt to achieve a

higher social position. The order of society, guaranteed by estate right, becomes fixed; the rule of the upper estate is absolutely secure. In this way its natural inclination to control the state, in order to prevent it from exercising its function of raising the lower classes, has succeeded.

... Even though the rule of the higher classes is thus securely established, a change in the situation and a consequent suspension of their rights are still conceivable. If the rule of the upper class is to be invulnerable, it has to be attributed to a factor beyond human control. Here arises a conception by means of which the domination of the higher class reaches its summit. The state, as the highest manifestation of personality, the supreme power, absolutely independent of the individual, necessarily self-creating and a compelling force, develops the quality of the sacred and the inviolable. Society accepts the state as its superior and submits itself to it. Since the ruling class identifies itself with the state, it soon claims the idea of holiness, inviolability, and divine authority for itself and for its privileges. The position of the ruling class is such that an attack on it necessarily entails an attack on the constitution and administration of the state. It attaches to its politically entrenched position the reverence which is due to the state as such. The specific social form of the state becomes identified with the idea of the state itself; and since this form of the state represents the social position of the classes, the class pattern itself also comes to be interpreted as the divine order of human affairs. In this way, the domination of the class comes to transcend mere estate rights; it becomes a sacred privilege, and any attempt to destroy the social differences within society becomes a crime against the deity. At this point, the estate system based on legal rights ceases to exist; the social differences decreed in the name of the deity and divine laws become sacred, and the thus-sanctified classes become *castes*. Castes, and the institution of caste in general, signify the final and absolute victory of society over the state. The caste state entails absolute identification, not only of state power and state laws, but also of the idea of the state, with the status system of society. Such a society can be described as the absolute society...

It is not by chance that a dominant class develops suitable privileges, that the class thus privileged becomes an estate, and that the estate tends to become a caste, because this development is inherent in the nature of class relations... This is a general law of social development within the state;... it gains practical interest if one observes its operation under the specific conditions of any one society... Because it encompasses the whole of history, it never exhausts itself suddenly in a single generation. Just as the life of nature needs centuries to proceed

from one state to another in slight transitions, ... so the life of society moves towards its irrevocable goal in a grandiose, quiet pace of thousands of small, untiringly repeated attempts, formations, repetitions, deviations—but always with unshakable consistency. The infinite wisdom of divine guidance has ordered conditions in such a way that only a few of the great movements which make up history affect the sphere of the individual. A change in the social order is never so sudden that it is accomplished in one generation. Its preparation goes back to other generations, and its completion requires new generations. Therefore, the individual experiences only a small part of the processes taking place... And for this very reason the thought, the will and the action of the individual are powerless against this movement. How negligible compared to this law appears the power of those who want to accelerate the life of their times by sheer intellectual endeavors or of those who want to stop or guide it by the power of arms... But what can be done, if this law is known, is to detect its traces in individual events... As in every practical science, so here also it is of great importance to perceive the various manifestations of that law of human dependence. A new field of investigation opens up here for the science of society, which includes the history of society. The first principle which determines this history is the following: there is a tendency that class systems create social rights and privileges, that these rights and privileges foster the development of estates which eventually harden into castes. It may happen that all the four elements—class, social rights and privileges, estates and castes—fully or only partially developed, exist simultaneously within a social order, as in contemporary European society... There are still mere classes, such as owners and non-owners; and there are social rights such as guilds rights, prerogatives and special rights of land ownership; there are estates, based on the distinction between the aristocracy and the commoners; there are traces of the caste system in the priesthood of the Catholic Church. All these parts of society strive towards the same goal, but each attempts only to reach the level directly above it. Those who merely own property want specific social rights; those who have some of them want more, wish to stabilize them, and to make them more profitable. If they are satisfied with what they have, they attempt to secure the same for their children; and they want to display their safe position by some kind of distinction, so that an estate comes into being. Those who are members of an estate aspire to raise the rights of the estate over and above the will of the legislating state, to establish status differences as an eternal law of nature, as the true basis of any social order and as the divine rule of human affairs, so that they are

elevated to a caste. Those who have reached a caste-like position want, as the medieval Catholic Church, to subordinate the state to the church; or, as the new Catholic Church, they want the complete separation of church and state in order to establish a clerical order beyond all other powers and elements of state and society. All these developments are taking place in Europe today; therefore the life of European society today is so infinitely varied, so restlessly fluctuating . . . The immaturity of our science still conceals how much there is to learn, to describe, and to analyze . . . In spite of their endless variety, the lives of the people can be comprehended on the basis of the law that we have established; the movement of every social order is a development towards social dependence in different stages as indicated above . . .

The Concept of Social Dependence

. . . Until now it was not possible to search for the reasons of this dependence, because the concept of society itself had not yet been developed.

If the state is the supreme manifestation of the idea of personality, and if the state is willing to perform its vital function, (i.e. those of furthering the highest possible development of the individual,) then the state by its very nature is free. Freedom, which is the highest level of individual self-determination, is also the first principle of the state; the state by definition cannot be dependent. The concept of the ideal state precludes dependence . . . In reality, however, an essentially different situation develops, because society is the state's "body" and attempts to use the state's power for its own purposes. The dynamic principle of society, and of all social classes, is interest, which aims at preserving or improving one's established social position. Every superior social position is based on the dependency of others. Interest always expresses itself by establishing, securing and increasing the extent to which others become dependent on oneself. Whoever is dependent has to serve through his work and to hand over what he earns to whomever he serves. Dependency deprives the dependent person of personal independence and of freedom. This functioning principle of society, by rendering one class free and independent, subjugates the other. The ruling class deforms the state by taking possession of it, by developing privileges, estates and castes, and by using the constitution and administration of the state for its own ends. Through this process, the state develops traits which contradict its own higher idea. The state justifies and protects subjugation of one class by another, while its true nature requires the opposite. The state thus becomes the servant of a power which is basically opposed to

the state's own ends . . . The state thus sanctifies by law what, according to the original idea of the state, it should condemn: the rule of one part of society over another, the rule of interests over the unlimited potentialities of the development of the free personality. As a consequence, the state itself becomes dependent.

This now is the concept of dependency. Dependency develops if the state is forced to serve a special social interest. Legal dependency prevails if the state changes a specific privilege which, without state authorization, is a mere social fact and subject to free attack, into an irrevocable right. Political dependency develops when one class of society has the exclusive power within the state . . . It is now clear where this dependence lies and how it comes into being. It has its roots in the system of social dependency. This originally natural dependence develops into *Unfreiheit* as soon as the state accepts it as a constitutional principle. All confusion about independence and dependence does not originate with the state, but with society and its relation to the state. A clear conception of true independence and dependence, and of the means to combat the latter, begins to evolve with the acceptance of the principle . . . that the actual constitution is a consequence of the social order within the organism of the state.

If this is so, then it is true that *Unfreiheit* is a necessary and inevitable feature in the community of men. Society is based on it, and the constitution is based on society . . . In reality there is no constitution without some elements and some degree of dependence which is recognized by the state. This is the true meaning of Rousseau's statement that the Republic is only fit for the Gods. The ideal republic is impossible; the constitution guaranteeing absolute freedom can never be actualized in real life, because it is always based on a society; in turn, society is based on dependence and the struggle of the ruling class for the exclusive control of the state. The life of the human community consists of a continuous movement and perennial struggle for dominance and for liberation . . .

The dominance of the ruling class is not in contradiction with the right of personal development . . . The position, the power and enjoyment which it entails is the goal of all men. By striving for it and by holding his own, the individual obviously acts in harmony with his own life task and with the basic laws of human nature. He is, therefore, morally justified in making the pursuit of his ambitions and the defense of his possessions the major endeavor of his social life. This is the element of freedom in the midst of dependency . . .

It is worthwhile to realize this clearly, most of all for those who suffer through it. Usually there is an inclination to reproach the powerful and

the privileged for being callous, to interpret the frequently extreme defensive measures they employ to defend their status and property, by virtue of the given social order, as a crime against humanity, . . . a defiance of what is noble and lofty, a declaration of war upon freedom. But how is it possible to accuse—on behalf of an ideal—somebody who has succeeded in realizing it for himself? . . . The upper class defends for itself the accomplishments which are everybody's goal but which only the few have attained . . . As long as their superior position is a result of personal merit, a consequence of personal labor, it is also in harmony with human fulfillment and human rights. The submission and the dependence of the lower classes is a default in the development of humanity, . . . but it is not a contradiction to the superior position of the privileged. The contradiction develops only when the upper class uses its power to exclude the lower from the acquisition of possessions through which individuals might be able to join the upper class as equals. Only the imposition of such restrictions and legal privileges of all kinds gives rise to that discord in the community . . . The mere existence of classes in society is an inevitable fact, determined by the limitations of the individual and the character of property; this fact contradicts the idea of personal fulfillment, but it can be resolved through labor. The true and absolute contradiction to the idea of personal fulfillment arises when the relationship between the classes becomes legally fixed in the form of special privileges, estate, and caste, by the state which is controlled by the ruling class, and when the work of the striving individual cannot change this relationship because it has been made inviolable by the state. This is where true dependence begins . . .

If this really does happen, if the ruling class is able to usurp the supreme power of the state, to prohibit the upward mobility of the lower class by legal restrictions, how is it nevertheless possible that there exists a movement toward freedom? . . .

THE PRINCIPLE AND THE DEVELOPMENT OF SOCIAL INDEPENDENCE

The Point of Departure

. . . Most people feel . . . that the state, in accordance with the idea of the state, is the representative of independence and that its constitution, precisely because it is dependent on society, is the expression

of liberty. They usually demand that the state as such gains independence entirely by its own power and guarantees it by the constitution. This expectation is the result of a grave error which presumes that the state as such is able to resist the impact and the demands of society.

We have already described the true relationship between state and society. It is positively certain that the state as such lacks this ability . . . because it has no existence apart from society. Each of its citizens, as well as each of its servants, belongs by birth, education and the social opportunities open to him to a definite stratum of society . . . The will of the state is personified by people whose lives are anchored outside the state, i.e. in society. The actions of the state are directed by the same persons who have a personal interest in using the state for the benefit of their class; the state does not have one single organ which it can call exclusively its own . . . The state is powerless to escape the domination of society; once subjected to it, it is even less capable of preserving the principle of liberty over that of social dependence. This has to be stated particularly for the benefit of a well known party . . . which still preserves the hope that the victory of freedom could be gained and secured solely through a constitution reflecting the pure idea of the state. This is not much else but the belief that the state has the power to overcome social dependence by an act of will. The party which holds this opinion is the democratic party . . . It is right in the abstractly correct interpretation of the idea of the state; it is wrong in its complete misinterpretation of the nature and the power of society . . . However, this party will change as soon as it perceives the weakness of the idea of the state in relation to the order of society . . . If the state can not help itself, and if society can not be free according to its own principles, the possibility of true progress has to rest in a force which transcends both and is more powerful than both.

There can be no doubt that this higher element comprises both phenomena; they are both conceptually implicit in the nature of the personality . . . The pursuit of the true goals of the personality resulted in multiplicity which became unified in the state and ordered in society. It is possible to look at the state and society in a variety of ways, but they can be envisioned only as a condition of individual development. As long as they serve this goal they fulfill the true purpose of their existence; otherwise they are in contradiction to the higher purposes for whose sake they, as it were, existed. In this case, it is only this higher force which can compel them to serve again their proper purpose. The personality and its fulfillment, therefore, is the factor which—more powerful than state and society—renders them both serviceable to social

independence. We have now reached the second major problem of the theory of the movement of society and state: that of the progress of liberty as it asserts itself against the perpetuation of social dependence . . .

The following will be more comprehensible if we first discuss the three principles of the movement towards liberty. Since social dependence is due to the very nature of the social order, and since the social order is more powerful than the state, it follows that the movement towards independence has to begin and has to run its course not in the area of public life but *in the area of the social order*. This is the first principle of the history of social independence within society. Second, since the social order determines and governs the order of the state, it follows that a *change of the constitution and of all social rights* has to take place, once the social order has been transformed by the effort of the individuals in the direction of securing more social independence. This can happen in two ways: either through *reform* or through *revolution*; each has its specific features and each takes its specific course . . . Third, since the state, according to the idea of the state, represents the principle of freedom, the change always begins with the growing interest of the more liberal elements of society in the idea of the state and in a *development of new theories of the state*. For the same reason, the change is accomplished only after these more liberal elements of society have succeeded in producing a new constitution.

These are the three principles in terms of which the movement towards liberty struggles against the trend towards social dependence. The following chapters will give a detailed analysis of each of these principles.

The Basis of All Movements Toward Social Independence

The inevitable fact that the ruling class takes possession of the state is the basis of all social dependence. Obviously, if this social domination were nothing but a force external to the personality, it could accomplish very little against the physical power of dependent individuals, still less against its own inner contradiction. The permanence of this domination in a variety of forms, its recurrence after it has been broken temporarily, and its tacit acceptance by the masses of the people indicate that it is not merely an external force but is inherently justified. The true nature of the state constitution, as determined by the social order and the social movement, cannot possibly be understood as long as the dependent class does not have the courage to acknowledge the

inherent truth of this domination and the ruling class does not have the strength to recognize the extent of this domination . . .

To develop its plans, to deliberate upon decisions and to realize its will, the state requires the best, the most intelligent, and the strongest personalities for its service. The excellence of all state action depends to a much greater extent upon the person who is appointed to carry out decisions than upon the decisions and rules as such. Able men have always remedied inadequate conditions, and incompetent men often spoiled good ones . . . The state always tends to choose its representatives and officials from the ranks of the socially superior class. Membership in this class thus becomes the prerequisite for the participation of its members in state activities . . . This fact in itself does not create the dependence of the state. The lower class would never complain that the superior members of the higher strata are invested with authority in public affairs; and, even if it did complain, it would remain powerless against this fact.

Many people believe that the rule of the haves over the have-nots is based on the material power of the former. It is assumed that the dependence of the latter would cease as soon as the former lose their power—as if the social order would depend exclusively on the external position of those who profit by it. This interpretation is altogether false. The material superiority of the property-owners is not the *cause* but only the *consequence* of the power inherent in ownership. It is property in the first place which endows the individual with superior firmness, a keener perception and personal excellence that places the members of the property-owning class above the individuals who have no property . . . Second, property makes the non-owners serviceable to the owners, who pay them wages, hold out prospects for a rising income, and generally multiply the number of the members of this class. Since both these phenomena are consequences of property relations, it is clear that property is not so much dependent on power as that power is the outgrowth of property rights . . . If it is true that not only social domination but also participation in affairs of state is unalterably dependent on the nature and the distribution of wealth, it follows that any change in the social order, any abolition of the political dependence of the ruled, is impossible unless it is based on acquisition of property which alone is the true foundation of freedom.

Since the abstract concept of the personality presupposes such liberty, it is natural to derive from this concept the demand to abolish any form of social dependence . . . However, all ideas of liberty and equality which rest on nothing but this concept have proven to be of tem-

porary importance only . . . The reality of a social order—and also any change in this order—cannot be influenced by a mere concept, . . . but it is also true that social conditions cannot be changed by external power alone; the most that the greatest power can accomplish is a forceful change in the membership of one or the other class. It is conceivable that the physical power of the lower class is momentarily great enough to seize all property by sheer force. But it is impossible for the lower class to eliminate the domination and dependence which are inevitably tied to property . . . If a genuine elevation of the hitherto dependent class to social independence and political liberty is to take place, it has to be preceded by the acquisition of that property which alone provides the necessary conditions for this rise. As long as this has not happened, any endeavor to change the existing order, no matter how contradictory to the idea of personality, is either a social or political utopia or a crime. Neither law nor force will make the dependent class free unless the dependent class has already created the preconditions of its independence for itself . . .

The only method, therefore, of accomplishing this change peacefully and permanently is to create opportunities for the lower class to acquire possessions. This statement—as simple and incontestable as it is—has been very frequently rejected. It has been more common to help the lower class by giving it political rights without securing its social independence . . . To do so, however, is to try the impossible and the untenable . . . Another fact has often not been explained because it would have revealed the fallacy of this approach. The propertied classes always know, if not by reflection, then by intuition, that their independence truly rests on their tangible and intangible possessions. The demand of abstract theorists who want to give liberty to all people without concern for this prerequisite, therefore, comes into conflict with the more enlightened members of the ruling class. The latter are practically compelled to take a stand against liberal movements which fail to hold any promise for the future. This awareness of the inherent impossibility of directly granting freedom to the masses, who do not possess the prerequisites, easily develops into an aversion against liberty in general . . . This attitude is called moderation and prudence; in a political context it is identical with careful consideration of the material and spiritual conditions of liberty . . .

Since the social order is the precondition of freedom, and since all development toward political liberty presupposes certain social development, the true history of society, as well as of liberty and of the state, is essentially the history of the distribution and the growth of

the products of society among the lower class. This is an area of investigation not yet touched by historical research . . .

The Preconditions for the Development of Social Independence

Freedom is the self-determination of the personality in the intellectual realm as well as in that of the material world. It posits the individual's domination over the sphere of intellectual as well as material goods.

We call the possession of intellectual goods education (*Bildung*). Just as the spiritual determines the material, education is the first absolute presupposition of the rule of a social class. Therefore, the first condition for the elevation of the dependent class is the acquisition of education. On the other hand, a genuine education represents the first precondition for the granting of social independence to the subjects. To these general and incontestable statements either too much or too little attention has been paid. On the one hand, it was believed that education could solve the whole problem of social dependence; on the other hand, the inner relationship between education and the unfolding of the principles of society and its growing wealth was not sufficiently understood. . . . Every education, as the possession of intellectual goods, of knowledge and capabilities, is, to begin with, of importance primarily to the individual. But the individual has his place in the established order of society. This order is imposed from the outside in that it determines and dominates the individual. Acquiring an education is, as an internal process, to a certain extent independent of the social order. Intellectual goods are unlimited; everybody may acquire them without thereby restricting his fellowmen. In the realm of education, there exists the possibility of improving the condition of the dependent class without giving rise to contradictions in the social order, which, therefore, does not resist it. The spread of education necessarily constitutes a beginning of the development of freedom. When the lower class strives for education, the first element of the movement towards freedom is already present. Wherever this striving for education becomes articulate, the first stage of the struggle of the dependent against the ruling class has already begun. Where state or society promote the education of the population at large, it is safe to assert that state and society—whether or not liberty prevails—envisage liberty as the final goal. The promotion of education, therefore, is the invariable characteristic of free people . . .

The assumption of an equal ability for acquiring an education reflects the doctrine of human equality. Popular education inevitably reaches a

point where, reflecting on the person's ability to be educated, it articulates the theoretical equality of men as the principle from which the movement of the lower classes arises. The principle of human equality, criticized as often as it is praised, is a natural phase in the development of popular education in opposition to the social order . . . By establishing the principle of intellectual equality for all individuals, a direct contradiction arises to the established order of society, which embodies domination, dependence, and therefore also inequality. The moment at which the principle of equality appears is the historical moment at which the idea of liberty emerges as an antithesis to the social order. "Equality" becomes the slogan of the dependent classes striving for liberty. What type of social order is affected is irrelevant; but the establishment of the principle marks the beginning of the movement toward liberation. In this fashion the dependent class acquires and becomes aware of non-material possessions. This effort is not transitory; it is permanent and repeats itself continuously. But, alone, it is as powerless over the positive order of society and social laws as is mere thought over nature. To bring about change in the external world, this effort has to lead to a struggle for the tangible goods.

External material possessions are the products of raw material and labor. Labor is the mechanical activity of the individual in the process of applying knowledge and ability. Labor, therefore, will be better and more valuable, the greater the knowledge and the capabilities of the individual are. These, in turn, are the content of education. Thus, education is not merely the possession of knowledge but is also indispensable for the acquisition of material goods. To control nature by the power of reason is the goal of men; the function of popular education, therefore, is to facilitate the acquisition of material goods. The higher the level of education of the whole population or of parts of the population, the more determined will the population be to either acquire or demand the rights for the acquisition of material goods. Any nation whose populace is well educated will always and of necessity display an irresistible drive toward material well-being. . . . This is the point at which, as it were, the living mind enters the material world. . . . Without this turning of the mind towards acquisition, all science remains powerless and—like anything which is one-sided—does more harm than good. An education without practical application does not serve its proper purpose. . . . Where, however, education permeates the productive activity of man and raises its intellectual qualities, the third stage of the movement toward liberation begins. We will call it the material stage.

Wherever education leads to a growing interest in the acquisition of goods, two possibilities of social development are open. One of these possibilities is that the total amount of resources available is large enough to give everybody his share in accordance with his personal intellectual development, while the economic institutions and conditions would, at the same time, allow for a fair amount of acquisitions to be made by the individual. The other possibility is that the total amount of resources is already distributed, and that the conditions, although allowing for and even favoring education, render the acquisition of possessions or a surplus of acquisitions beyond the level of mere subsistence impossible. Social development . . . must inevitably arrive at one of these two points. . . . What are the consequences of these observations for society and the state? Or what is the course of the movement of liberty in the realm of material goods, as opposed to the movement of dependence? Here we touch upon the contemporary scene, although we deal with very general principles.

Basis and Origin of the Political Movement

It is true that education leads to the desire of acquiring corresponding material goods, and if the latter is impaired by social privileges, how then does the lower class gain possessions by virtue of its education despite this handicap? . . .

By way of owning property, people want to satisfy their unalterable needs for the control of their natural environment and for enjoyment of this domination. Labor is the means of accomplishing this. It has been said that work itself provides satisfaction; but that is only true if its results—the possessions and their enjoyments—are not dependent on the effort of working. All labor which is conditioned by actual needs requires more effort than it gives satisfaction. Human beings naturally strive to satisfy their needs . . . without having to work; the satisfaction of needs without work we may simply call *unearned income*. Such an income is therefore a universal goal of human endeavor. . . . Those who own property . . . are able to satisfy their own needs and desires by the labor of others, without having to work themselves. Therefore, the ruling class has the opportunity of satisfying this natural desire for an unearned income. . . . It attempts to secure this income by instituting social rights. The economic independence of the ruling estate rests on this legal protection of property . . .

Thus the establishment of social rights makes work superfluous for those who own property. As a natural consequence, the ruling stratum

of society soon stops working and forces the propertyless estate to labor for it. The contrast between the haves and the have-nots thus gains another positive characteristic; the upper class is no longer merely the propertied and privileged class but the class which does not work, receiving its income from the work of others. Property is therefore no longer set off from mere lack of property, but property and labor become opposites. In an estate society, this represents the true character of its social order . . .

Since property attains its value only through labor, it becomes possible for the third estate to get hold of the value of the possessions of the propertied estate. The more advanced the education of the third estate, the quicker will this process be; the more the ruling stratum has withdrawn from work, the more pervasive this change will be. Since the ruling stratum has nothing to oppose to living and acquisitive labor but lifeless and limited material property, it does not have any means at its disposal for struggling successfully against the continuously growing effort of the working population to establish itself as the master of economic value. . . . The working population, using its education to promote acquisition, watching its education grow with increasing wealth, reaches a point at which, for the majority of its members, the intellectual and material conditions have been realized which are conducive to social and civil liberty. Through persistent work it has gained property; and in addition to education, it has acquired the value of property in the form of *capital*. From now on, there is no essential difference between the working estate and the ruling class.

However, . . . the difference continues to exist in public law, social rights and constitutional law. The working and dependent class, excluded from public power, cannot enforce any change in its legal position which would reflect the actual change of its conditions. The existing legal order is no longer reasonable; . . . its appropriateness to the social order and to the distribution of wealth is destroyed through that growth of property, and a decisive contradiction emerges. The legal framework of society, and with it the constitution of the state, continue to exist along traditional lines, although these no longer correspond to the reality of the social order. . . . This contract between the real and the merely legal society becomes the point of departure of the social movement toward liberty. . . . The old law and the old constitution are threatened from the moment when the labor of the dependent class succeeds in producing property for itself. The time is ripe for legal changes . . .

Concept of Political Reform

The natural and reasonable solution of this contradiction is *political reform*. . . . Political reform occurs whenever the government, overwhelmed by internal or external pressures, yields to the demands of the hitherto dependent class and introduces the necessary changes in the constitution and the administration. . . . These reforms result from the structural changes in society; their purpose is to bring about changes in public and constitutional law which establish legal equality for those who have already gained social equality. These reforms may be introduced in various ways and in various degrees; but they always have to be carried out by the constituted authorities in order to forestall a revolution. Even a complete change in constitutional law, if carried out by the established organs, is not a revolution but a *reform*. . . . It is an act of *free decision* by the human community, an act which reflects the rule of the spirit over external circumstances, an act of subordination of privileges and special interests to the superior life of the whole. Since true progress in all spheres of life rests on this organic unity, only reform provides unhampered development and avoids unnecessary sacrifices by any one section of society.

. . . Even before nations come to understand through science and experience the disadvantages of a revolution, a correct instinct restrains them from attempting revolutions. Wherever social conditions have been changed by the dynamics of work and acquisition, . . . the need and demand for a corresponding political reform will emerge. The emergence of these demands always deserves the most careful attention, for they always reflect a contradiction which has developed between the new and the old order of things, and point to means for a cure offered by the higher nature of things. Blessed be the country which follows this course. If it disregards the unmistakable symptoms and tries to preserve the old order of state and society with unending egotistic persistence, there will take place, instead of a peaceful and healthy progress, the violence of a revolution; and it is always uncertain whether its benefits will outweigh the damage done.

Concept and Law of the Political Revolution

. . . If the idea of the state, as well as the interest of its citizens, necessitates a reform, how is it possible that reform is not forthcoming through the state in accordance with the basic changes in society?

We have shown above that, in all forms of the state, the class which rules society also comes to control the state. The social movement aiming to change the state originates within the class which is subjugated to the rule of the powerful. It aims at the elimination of this rule as well as of the corresponding privileges. This class, in fact, demands of the ruling class that it shall use its own power to divest itself of this very power; that it therewith sacrifice its own interests to those of its opponents . . . Therefore, it can be easily understood that members of the ruling class are stubbornly opposed to these demands, which would undermine their own elevated position. . . .

The upper class does not do what the lower class is asking for: it does not permit the enactment of a new legal code corresponding to the new pattern of the distribution of goods; on the contrary, it is opposed to these demands, and consequently conditions favoring a revolution develop.

A valid legal system contains two elements: it is the pronounced will of the state, and it is a result of circumstances. Every true law contains both elements. Wherever a law contains only one of these elements, it has become contradictory to its own nature; therefore, of necessity, it must try to encompass both elements or else perish.

Under the social conditions just described, the ruling class retains its old rights only formally, i.e. it still controls the will of the state, while the substance of these rights, i.e. the inner consistency of its domination with the social distribution of material goods, has been destroyed. The formerly dependent class, on the other hand, has become equal to the ruling class with regard to the acquisition of goods, but the element of formal validity, the recognition of its rights by the will of the state, is still lacking.

It is clear that these conditions are contrary to the idea of justice. Once these conditions have developed, it is inevitable that the above two imperfect manifestations of rights will strive to achieve inner consistency. The upper class demands legal control over the possessions of the lower class; the lower class demands legal recognition of its rights by the state. These mutually exclusive demands lead to conflict. Since they reflect the conditions of the two major classes of society, the struggle is always a struggle between these two; it is the result of the original opposition of the dependent and the ruling class in any community. . . . The objective of this struggle is, of necessity, the change of the constitution in favor of the hitherto dependent class. Since social rights determine social power and the distribution of property, the result of this struggle is a more rigorous limitation of the rights of the

dependent class, if the ruling class is victorious; if the dependent class is victorious, the traditional social rights are abrogated by way of a constitutional change.

This struggle between the two major social classes is the *revolution*; the prerequisite for it is the acquisition of property through labor by members of the dependent class; its goal is the realization of the idea of justice, its objective a corresponding new constitution. . . .

As soon as the propertied class in a society stops working and only those who do not own property engage in productive work, the material beginnings for a transformation of the state emerge to the extent that intellectual independence grows through education; and if the owning and no longer acquisitive class does not yield to the demands of the advancing lower class, the first, material, basis for a revolution is established.

Since the revolution wants to establish a new form of government, investigations and opinions concerning the new constitution usually precede it. . . . Since the principle of social reform is the idea of equality, all such theories about a new constitution have in common the idea of equality. Wherever constitutional theories and drafts of new constitutions based on the idea of equality emerge, popular education has reached a stage of self-awareness and the second, the intellectual, basis of the revolution has been established.

The revolution is therefore a necessary, quite natural event, as soon as the dependent class has acquired the material and intellectual social prerequisites for its equality with the ruling class and the latter refuses to acknowledge this equality by changing the constitutional law and extending social rights. Any revolution in which the dependent class comes forward with these demands without being readily prepared materially as well as intellectually, is contradictory to the principle of justice, and will be unsuccessful because it does not reflect the truth. The result of every false revolution is a more severe subjugation of the dependent class.

Since the revolutionary movement rests on the social foundation of property, the demands on state and society can never go beyond the corresponding actual order of property. Every revolutionary movement contains an element of profound contradiction. It demands equality, but is based upon the unequally distributed property of the members of the dependent class. In principle, it is concerned about equal rights for all members of the dependent class; in fact, however, it is only concerned with the success of the revolution for the benefit of those who have already acquired these social possessions. No revolutionary

movement can possibly avoid this contradiction. Since a revolutionary movement cannot do without educated men, and since the doctrine of equality is merely the expression of the awareness of this intellectual possession, it has to begin by admitting all people who approve of its principles without consideration of their social qualifications for participation in the benefits of the revolutionary movement. Every revolution, therefore, makes use of a class of society to which it neither wants to be nor can be beneficial. Every revolution, as soon as it has ended successfully, will find antagonists among the masses which have carried out the revolution. This fact explains why, after a revolution in contemporary states, the structure of the society becomes heterogenous, as is the case in present-day Europe. . . . This is the root of the frequently gross injustice which inevitably occurs in any revolution. Since sections of the dependent class who do not own property but participate in the revolution are not qualified for equal status but do raise the claim for it, many things will be done in the name of a principle which cannot be justified. The revolution, therefore, is always, not only the beginning of a new order of society, but also the beginning of a new contradiction within this order. This becomes immediately apparent in the new constitution after the victorious revolution.

Most people assume that new revolutionary constitutions are essentially derived from philosophical theories inherent in the theoretically conceived, ideal constitutions which reflect the general principles of equality. . . . But the first look at the course of all revolutionary movements reveals immediately that an actual revolution has never accepted the previously drafted theoretical constitution but has always produced an independent constitution. Contemporary developments illustrate this phenomenon in the most striking manner. It can be explained by the fact that the original moving force in the revolution is not the idea of equality, but the unevenly distributed social wealth; and that not philosophical theories but social classes make the revolution. . . . It is very important to bear this principle in mind, if one wants to evaluate a revolution soberly. According to its nature, the acquired property of the dependent class provides the title and the power for reorganization of the legal basis of the state and of society. Therefore, the new constitution, in order to become the true basic law instead of remaining only an abstract postulate, must inevitably be based on property qualification for the participation in government. The principle of a social movement necessarily implies that property which has made one part of the dependent class powerful shall become the dominant factor in the society by determining the difference between the ruling and the depend-

ent class. Since the social order determines the state constitution, it necessarily follows as the principle of all revolutionary constitutions that the property which is acquired becomes the qualification for participating in constitutional life, excluding those who do not own anything.¹

. . . The acquisition of property and the increase of the awareness of its prerogatives in the social and political order is the *first stage* in the development of the idea of freedom; . . . political reform or political revolution is the *second stage* thereof. Is the movement toward freedom concluded with the revolution? Or does that contradiction inherent in any political revolution indicate that there is a *third stage* toward which the development of the individual's self-realization tends?

Indeed, . . . this leads us to the contemplation of the contemporary scene and our own future.

THE SOCIAL MOVEMENT

The Foundation, the Concept and the Principle of the Social Movement

Every political revolution does away with the rule of property derived from high social position or unearned income and replaces it by property gained through labor which then becomes the new basis for the class order. Property acquired through labor can be preserved, in relation to the acquisition of others, only by one's own continued labor . . . Therefore, acquired property remains necessarily acquisitive. It is composed of two parts: resources which have a certain value and utility, and the owner's labor-power. Resources which are

¹ To avoid misunderstanding, we distinguish revolutionary movement from similar phenomena: . . .

- a) *Sedition* is the rebellion of people against specific administrative acts or a single agency; usually it is without any social overtone and therefore easily controlled.
- b) We speak of *insurrection* if a part of the country rises against the whole. Here it is possible that the social order of the part is threatened by the constitution of the whole, but just as often minority groups or economic discrimination are the cause.
- c) The *revolt* is the rise of the population against its ruler, whether monarch, dictator, aristocracy, or conqueror.
- d) The *political revolution*, however, is the uprising of the dependent, or already property-owning class, against the constitution of the state which excludes it from its natural political and social rights.

subject to acquisitive labor are called capital; it becomes productive through the labor of its owner . . . Next to acquisitive capital we find the purely personal capacity for acquisition, i.e. labor-power, which is inherent in every person. It is the prerequisite of acquisition; it does not necessarily produce property, but it continuously strives for it. In order to gain property, labor-power must be applied to resources. Labor-power must therefore be linked to acquisitive capital, in order to acquire property by the productive process of capital in operation.

Acquisitive capital, on the other hand, transcending the individual labor-power of the owner, is dependent on the labor-power of those who do not own any capital. In this fashion, a natural and organic relationship develops between capital and labor which rests on their mutual needs.

In this way, the differences between the two major classes in all societies, the owners and the non-owners, are established after any political revolution. The class of owners is the one which owns the acquisitive capital; the class of non-owners is the one which has labor at its disposal without owning capital . . . This state of affairs precedes any social movement; it dominates the whole contemporary scene; it reflects the truth as well as the contradiction, and, in the last analysis, the great question of our time.

At first, this state of affairs is completely harmonious, compatible with the concept of the personality. Acquisitive capital represents the material development of man attained by personal work; labor without capital constitutes the capacity for and the challenge of future attainment. Capital is available for acquisition; . . . therefore, the freedom of acquisition implies the recognition of the individual's freedom to work his way up to the acquisition of property. It is true that labor as such is dependent on capital because labor needs capital; but it is not less true that capital also depends on labor because it is acquisitive. The social order which develops on this basis, therefore, appears to be completely natural and even free. Through mutual needs, the dependence between classes becomes mutual; and through the possibility of capital acquisition which is granted in principle, the growth potential of each individual is acknowledged.

This type of social organization also reaches the point where it produces social dependence, as does any other social order. The actual acquisition of capital, the possession of tangible personal goods, is the goal of acquisitive action. Hence the exclusion from the acquisitive process contradicts the idea of liberty. If, therefore, it becomes evident in the social order based on acquisition that labor without capital is excluded from capital acquisition, we have reached the stage at which

social dependence and social contradictions also develop in this social order . . .

The amount of capital determines the social position among capitalists. Hence acquisitive capital immediately adopts the dynamic characteristics of personality and endeavors to expand continuously. Acquisitive capital differs from pure ownership, which is usually self-sufficient. The growth of capital, just as its origin, results from labor, because the surplus value and price of the product exceeding costs is allocated to capital as *profit*. Wages are the main cost factor, so that the higher the wages, the smaller the profit and the growth of the capital. Capital units competing for growth tend to keep wages as low as possible. It is quite unreasonable to blame the acquisitive capital for this, for it is its nature to act in this and in no other way.

The needs of the laborers determine the limit of wages, but any surplus made by the cooperation of capital and labor is transferred to capital . . . If the laborer would receive it, the capitalist would go without. In this way, the harmony between capital and labor is disrupted, and the contradiction between the two main classes in the acquisitive society emerges.

This contradiction has a definite character. Gain is the interest of capital and also the final goal of the worker who is yet without capital. The interest of capital is therefore in conflict with the purpose of labor. This is the contradiction which dispels the original harmony.

Since labor without capital is necessarily dependent on capital, capital . . . is able to dictate the conditions under which labor is hired. These conditions are not arbitrary, as the blind opponents of this social order assume; because the interest of capital requires it, they have to affect wages in such a way that acquisition of capital by the worker is precluded. In pursuing its own interest, capital becomes the power which enforces the permanent inability of the laborer to own capital. Whosoever has no capital is unable to acquire it. Therewith the property-owning class and the class without property develop into an owning and non-owning estate; property and the lack of property becomes fixed for generations, and the social order becomes rigid and closed.

The social position of each individual is now definite and unchangeable. It reflects a contradiction to the concept of labor by suspending the use of labor for acquisition and the gaining of property. It is a contradiction to the concept of the free personality in that it restrains the individual in the fulfillment of his aspirations. And it is contrary to the idea of liberty in that it fetters the development of human com-

munity . . . and in that it changes a society which in principle is committed to social freedom into one in which dependence prevails. It not only excludes the non-owners from the acquisition of capital, but it also renders labor without capital dependent on productive capital and non-owners on owners. This dependence, if rendered permanent, is a dependence of the working class on the property-owning class . . .

It is plain what the difference is between a society based on acquisition and a society based on property-rights which preceded it and led to the political revolution. During the former stage, the property-owning class did not work, thus making it possible for those excluded from it to acquire property. But now the ruling class works; and it is precisely the labor of the property-owning class which, as competition, makes it impossible for the non-owners to acquire property.

Furthermore, it is clear that the gradual escape from social dependence is much simpler at an earlier stage than at a later stage of development; because in the earlier stage only material wealth and labor are opposed to each other, while, in the latter, the opponents are working capital and labor without capital. Nevertheless, the idea of social independence also evolves from the latter.

There is one area of wealth where neither profit nor restrictions exist; it is the realm of "intellectual goods". Education, even though difficult to obtain, is yet potentially available for the non-owner. Just as education marks the beginning of the struggle for social independence against the society built on property, it plays the same role against social dependence in the acquisitive society. There are a great many people who let themselves be deceived with regard to the tremendous importance of intellectual goods in any society, because it appears as though only material wealth counts. Nevertheless, these goods have always fertilized, bred and cultivated the seed of human liberty; for they are heirs as well as progenitors of liberty. As long as a nation possesses intellectual goods, it cannot remain in bondage; as long as education advances, restraints on liberty cannot remain permanent; as long as a society cares for the education of all, it wants true liberty.

As the opportunities for the education of the working class improve, a point will be reached at which the idea of *equality* emerges . . . The origin of this idea . . . signifies the moment when the principle of liberty becomes opposed to the foundation of the social order . . . The growth of education among the laboring class which is unable to accumulate property makes this contrast evident without being able to dissolve it. Equality of education leads to demands for equality of acquisitive

opportunities, without providing the means by which these could be created.

In this fashion . . . society offers equal opportunities for acquiring an education but not for acquiring goods, which means, in effect, that it fosters the demand and the desire for social independence but does not make it possible to fulfill this demand. This is a profoundly contradictory condition, . . . one which is no longer a theoretical but an objective condition of European society, and of crucial importance for the future. All other problems are by comparison of secondary importance. There is no doubt that in the leading countries of Europe political reform and political revolution have come to an end. Social issues have taken their place; their tremendous impact and the serious doubts they raise surpass those of any other movement. These issues, which are now acute, seemed to be merely a remote shadow only a few years ago; now they present a challenge to all privileges, and any attempts to relegate them to their former insignificance are in vain . . .

Communism, Socialism and the Idea of Social Democracy

The precise moment at which the idea of personal equality emerges is the moment at which the dependent class becomes conscious of the contradiction inherent in the acquisitive society . . . As soon as the principle of equality is confronted with the social inequality based on acquisition, the inquisitive minds begin to search for a logical solution. This intellectual effort precedes the factual struggle; inconspicuously, it forces its way, as it were, under the surface of the social order. The more stable the society, the firmer will the oppressed, under the external pressure, cling to the result of their thinking. This advance of the idea of equality has its own highly important history, and neither the idea of equality nor its development in history is accidental. The main phases are clearly discernible: constitutional theories prevail at the beginning of the political revolution; then, with the emergence of the social movement, *social theories* are developed. Although such theories are the work of individuals, they are based on the common demand to promote the personal development of each individual by creating opportunities for the acquisition of material goods. All ideas, suggestions, and investigations touching upon this problem are part of the social movement. The processes of thought of the dependent class always manifest themselves in three great phases which, however, are closely interrelated . . .

The first and most natural notions about the differences between the haves and the have-nots in terms of the principle of equality are the

ones which simply regard property as such as the reason for all social dependence. Since wealth is limited, only a part of the community will be able to own it; but since possessions are the absolute condition of acquisition, the owner will necessarily and always keep the non-owner dependent. If dependence is to be abolished, its basis, private property, has to be destroyed. There should not be any personal property at all. The first application or the first social content of the idea of equality is the negation of personal property.

But man needs products, and production requires raw materials. These raw materials, in order not to belong to any individual but to remain available to all, have to become the property of the entire community. In order to produce the necessary supply of goods from the commonly owned materials, labor has to be available. Such labor, if done for the individual, would immediately produce new property. To avoid this, and also to avoid the reappearance of dependence, labor has to be performed, not for the individual, but exclusively for the community. Society receives the total produce, and society distributes it according to the principle of absolute equality. In this way equality is maintained in spite of labor and material.

These basic ideas are the solid core from which a variety of systems of communal life may be built, all based on the simple principles of the abolishment of private property and the institution of collective ownership. All systems and ideas which acknowledge these principles are called *communistic*. Therefore, communism in all its variations is the first and still very crude system of the social idea of equality, and represents its first application to the social order and its foundation, which is private property, whether in the form of mere possessions or of capital.

However, all forms of communism, aside from the fact that it cannot be realized, contain a contradiction with its own principle, which appears all the more powerful the more closely it is examined. Under communism, just as under any other social order, the community must work through individuals, and therefore the distribution and control of labor also has to be carried out by individuals. If the individual worker were entitled to choose his job, then anybody needing his work would soon become dependent upon him—the very condition which communism desires to abolish. Only the community, therefore, can demand and direct labor. But since this community is represented by individuals acting and exercising authority in its name, these individuals become the rulers of labor, and all workers—that is, the whole community—becomes dependent on them. Thus communism would create not only poverty,

which might still be acceptable for the sake of liberty, but also real slavery, which is in total contradiction to the idea of equality. Communism is unable to solve this contradiction. It becomes clear that communism would of necessity replace social dependence by a new and less bearable dependence. The idea of equality turns away from communism in order to follow a different path . . .

. . . What remains? Communism is no solution because, under communism, work, the manifestation of individual self-determination, supposed to reflect freedom and individual development, loses its essential characteristic and is no longer free. The acquisitive society ceased to be free because work was unable to provide material independence. The features of communism are the same, with the difference that, instead of individual capital, collective capital wields a despotic control over labor. The only other solution envisioned consisted in a reversal of the relationship; capital ought to be controlled by labor . . .

Such an order of human affairs can be conceived in a variety of ways . . . All those systems, and all ideas and investigations aiming at establishing labor's control over capital in this way (present labor controlling past labor) and making labor the guiding principle of society, may be called *socialist*. Socialism is the second blueprint for a social system based on the social idea of equality. Socialism in all its variations is infinitely superior to communism. Its basis is labor, and thereby individuality, this fountainhead of all true wealth and of all diversification. Socialism does not desire to realize the abstract equality of men, any more than it desires to eliminate a person's individuality . . . Socialism does not desire, as communism does, to abolish differentiations among individuals and therewith society and the order of the whole; it aims to build society on the principle of labor independent of property. However, socialism also contains a contradiction . . . It aims at the control of labor over capital. Capital is different from mere property, inasmuch as it represents an accumulated surplus of former labor. The product of labor is supposed to be controlled by labor, . . . past labor to be subordinated to present labor. However, present work is only valuable because it is also the result of a continuous process of work, and no work will be very valuable unless it is based on an accumulated mass of work. Therefore, the nature of acquisition contradicts the principle of socialism. Mere possessions could be subordinated to acquisitive labor because they were idle and did not originate from work; however, capital will resist this subjugation because it is itself the product of work. Socialism, therefore, is forced to a number of

alternatives, all of which aim more or less at the abolition of private property. This feature of socialism, which has a similarity to communism, most clearly displays its basic fault. It is at this point that the whole class of property owners turns against it and that it becomes subject to attack, not only by this powerful class of society, but by its own principles as well . . . Socialism in all its various forms is, therefore, not the last stage of the social movement.

Socialism as well as communism are in essence only the systematized demands of *one* class in the acquisitive society. This class is weak compared to the other; if it wants to be strong enough to strive for the realization of its hopes against the resistance of the ruling class, it must join forces with the power which, according to its very nature, has the task of raising the status of the lower class. This power is the state.

The Idea of Social Democracy

There is no doubt that the state, as a concept as well as in reality, suffer through the dependence of the lower, the merely working, class. The larger this class, the greater the size of the dependent elements, the poorer the whole community, the less powerful the state, and the more easy does it become to disturb the peace through the growing antagonism of these two elements of society. It is in the interest of the state, therefore, to assist the poorer class; and the lower class of mere workers turns to the state to seek support for the realization of its idea of social equality as soon as they realize the impracticability of communist and socialist theories . . . The laboring class is in need of capital. Capital cannot be given away by the individual capitalists without destroying their social and economic position. Only the state owns no property just for itself; whatever it has and whatever it is able to acquire belongs to the people. Labor, therefore, first turns towards the state as capital owner and desires to form a coalition between state capital and the labor power of the working class. The state shall become an entrepreneur and give the profit . . . to the workers . . .

We call this proposition the idea of an *organization of work*; all projects which make the state act as an entrepreneur, to distribute the profit to the laborer so that he may acquire capital, are part of this idea . . .

A further possibility suggests itself. If individual independence in the acquisitive society can only be gained by individual acquisition, the only solution is to give capital to the individual. One has to capitalize the ability to work and to endow the beginning process of acquisition

with the capital which is supposed to materialize only through acquisition. This would mean extension of credit to the capital inherently present in the earning potential of the individual. The state has to establish institutions so that every individual can receive credit, i.e. material to be utilized by labor, according to working ability . . .

This is the idea of the *organization of credit*, which is superior to the idea of the organization of labor. The idea of the organization of credit also allows for the existence of more than just one system. By leaving the realm of economic development to the individual, it guarantees the highest degree of freedom; the great significance of this idea cannot be crased by fallacious proposals.

In order to extend credit, . . . the state has to be able to dispose of it . . . But the state is controlled by the ruling class of society. The demand that one of these ideas be realized implies that the rulers use their authority to strip themselves of their power and transfer it to the ruled. The obvious contradiction which this entails forces the members of the non-owning class to conceive of a constitution which would empower them to use the state for the improvement of their conditions through the acquisition of capital . . . They have come to realize the inevitable necessity for a state constitution based on the rule of the non-owning class . . .

This democratic trend originates in republicanism. The republican or democratic movement conceives of the individual as being independent of his property, i.e. as a purely conceptualized personality. Since all people are basically free and equal and entitled to the right of self-determination, it follows that a free constitution should provide an equal share to all in determining the will of the state or the legislation . . . The movement of political democracy does not go further, . . . but with regard to the form of the public will it is in accord with the social movement. A natural and inevitable alliance of these two elements develops: The republican or democratic element considers it its main task to provide a clear formula for a constitution and to define the legal framework of a democratic government, while the social movement is concerned with the administration and administrative tasks, i.e. the social use of the means available to a democratic government. This is the theoretical concept and the meaning-content of the phenomenon of social democracy which constitutes the last stage of the purely intellectual movement of social ideas.

Thus the principle of social democracy encompasses universal suffrage in the constitutional realm and the abolition of the social dependence of the working class in the realm of administration. In a

social democracy the constitution is the democratic and the administration the social element. The natural and necessary development of the movement towards liberty leads to this alliance; it is the last stage in the movement of the lower class fighting against its social dependence . . . The form which the social movement may take at this stage may be either that of social reform or that of social revolution . . .

. . . Dependence of labor upon capital is a contradiction to the idea of freedom and therefore cannot last. Either the idea of liberty has to be destroyed in the mind of the working class, or the idea somehow has to strive for its realization; no power in the world is strong enough to restrain it from doing so. The ever fertile soil for the idea of liberty is provided by the opportunities of acquiring knowledge, i.e., an education. Wherever there are educated people, social ideas are present; wherever educational facilities grow, they will advance towards the principle of equality; and wherever the working class becomes aware of this principle, it must eventually be elevated to the heights of the idea of social democracy, no matter by what devious ways. This idea is neither a theory nor a sudden fancy; it inevitably emerges within the social context as soon as conditions are ready and preparations accomplished. It is blindness not to see this necessity; it is folly to oppose it directly. For it is the expression and the awareness of the inner contradiction between the idea of freedom and the order of the acquisitive society.

Social Revolution

. . . The contradiction between the existing social order and the higher concept of liberty becomes clear in the mind of the lower class . . . The belief in the rightness of freedom and in the possibility of its realization becomes stronger the less the ruling class cares about freedom and the more definitely the lower class believes that this truth . . . is being denied only for reasons of self-interest . . . The principle of social equality, then, begins to take definite shape in this part of society and brings all the thoughts of its members into a strong focus.

Whenever this happens, an event of supreme importance has taken place. Until then, the lower class of society has been held together only by the force of the economy, by an external factor, by work. It is not yet a unit, but rather an amorphous mass; the workers live under similar social conditions and have similar social functions, but they do not yet form a community aware of its own will. This newly developed community based on a common understanding of their conditions and needs transforms itself into an independent power, consciously and purposely

opposed to the present order of society. As such, that class is called by a new, but appropriate name: the proletariat.

The proletariat asks the ruling class, in the name of equality, for something which this class neither desires to offer nor possibly can offer. It asks the state to do what is contrary to the very concept of the state and its laws. It soon discovers that it cannot hope to gain satisfaction from either the state or society. In recognizing that the ruling class, on which the proletariat is socially dependent, also controls the state, the proletariat takes the view that the exclusive reason for the state's refusal to support its claims is the desire to avoid interfering with the social and personal interests of those who control the state . . . Thus, the belief emerges that the proletarians are called upon, and are able, to help themselves by acquiring the power of the state. Consequently, they consider themselves entitled to seize governmental power in order to realize their social ideas.

However, it is very difficult for this to happen in reality. The proletariat is actually the weaker part in society. To begin with, it is not correct to say that the proletariat outnumbers the property-owning class; it is even less correct to maintain that it is stronger or more courageous or more determined than its opponents. It can, however, happen in individual cases that the proletariat seizes power through a coincidence of events. When this happens, it is always a result of an alliance with the democratic party, and this revolution by which the proletariat and the democratic party subject the state to their control is called a social revolution . . .

By gaining control of the state for the proletariat or labor without capital, political power accrues in the hands of a single social class, which is contrary to the inherent nature of the state . . . It will use the state for the special interests of its own social position. By virtue of this power, it will then subjugate all other interests and endeavors; it will deprive the vanquished of the right of self-determination, and for this reason will deny them political rights. Through the exclusion of one-half of the community from what ought to be the common will, state and society cease to be free. Lack of liberty is not less of a reality if labor controls capital than if capital controls labor. The victory of the proletariat is the victory of social dependence, whereas it was supposed to be the victory of freedom . . .

The lower class, as the ruling element under such conditions, does not have the prerequisites of true authority; it has neither the material goods on which authority rests, nor is it superior in knowledge to the property-owning class . . . The proletariat lacks the true inner justifica-

tion for seizing control of the state Therefore it must—almost unintentionally—seek extraneous support to uphold its power

Its first external prop is the state constitution. The principle of all social democratic constitutions is the election of representatives and officials by universal suffrage Many people believe that the proletariat is the greater numerical power in society, so that universal suffrage would put the social party or the proletariat at the head of the state. But we confidently claim that such is not the case Only if the social-democratic movement retains its alliance with the movement for political liberation can a majority be attained. As soon as the social-democratic party stands by itself it is by far weaker. Nevertheless, it will insist on universal suffrage, . . . because it knows that it is stronger with the general vote than without it. However, universal suffrage alone can neither put it into power nor keep it there.

If this is impossible, there is only one other way open for the proletariat, namely sheer force. It is therefore inevitable that, with the emergence of the rule of the proletariat, despotism develops, a despotism of a specific and terrible kind. Like all domination, this despotism is directed against whatever threatens its rule The proletariat must use its power to destroy not only the opposing class; but also the social foundation of this class. Here a struggle starts which we call *terrorism*, a bloody and essentially endless struggle. Terrorism is the most dreadful phenomenon in history, not only because life and goods are sacrificed with cold fury, but also because terrorism endeavors to accomplish by mass murder what is inherently impossible. Terrorism is the summit of contradiction in the course of a social revolution. When this summit is reached, the tide is reversed, and the counter-movement begins.

For, in order to secure its dominant position, the proletariat must at least have the power to do so. But it does not have this power. It can only rule temporarily; lower in numbers, intelligence and personal energy, it will be swept away by the first serious attack of the possessing class, and this happens rarely without the latter taking bloody revenge. The victory of the property-owning class is inevitable; but, since it also is gained by force, force . . . eventually occupies an independent position above the two classes of society. This independent position by which force as such rules, not in the name of any social idea, is called *dictatorship*. The really successful revolution, therefore, always leads to a dictatorship The dictatorship declares itself to be the independent state and invests itself with the right, the task and the dignity of the state.

This is the end of the social revolution. From out of the turmoil of the social struggle there re-emerges the idea of the state, detached from

the power of the various social classes, founded on itself and ruling by itself. And thus the thought that the life of the community consists of thrust and counter-thrust between society and the state, between dependence and freedom, becomes reality

Social Reform

. . . . If it is true that property and acquisition of intellectual and material goods entail the realization of the idea of personality, conditions ought to be conceivable under which, despite all imperfections, this ideal of social life is at least approximately attained. This ideal is not identical with the realization of the idea of equality Equality of all people is just as inconceivable as it is unreal, in the past as well as in the future. Even though people are equal in general, this generic equality represents only one aspect of every human being; but at the same time, he is more; he is also . . . an individual. No matter how we conceive of the origin of individuality, differentiation always remains a fact Therefore, the purely philosophical assertion of the equality of men contradicts not only reality, but also the very concept of equality. . . . If neither the inorganic nor the animal world produces equality, even between two of its most subordinate units, if the whole world, from the planetary system to infusoria, shows differentiation, how could it be conceivable that the highest order of life—personality—constitutes the absolute opposite? And if the concept of life is derived from the concept of variety and organism, how then could one conceive of a living world of personalities deprived of the basis of all life and striving, which is differentiation of development and individuality?

The realization of the idea of personal fulfillment, though, does not depend on the mere elimination of poverty, any more than it does on the concept of equality. We may consider it a generally accepted fact today that poverty and the proletariat, though closely interrelated, are totally different entities Poverty arises when the ability to work is lost, or when labor is unable to satisfy the natural, common human needs. The proletariat, however, emerges when labor is unable to produce capital, although the worker strives for it. The poor can and ought to be helped by giving them assistance, the proletarians by offering them opportunities to acquire property. There may be poverty in a nation without a proletariat, as well as the other way around; the major concern of a social movement is not the problem of poverty.

The social problem which social reform tries to solve is the result of the laws which determine the relationship between capital and labor and thus also govern society, the constitution, and the development of

each individual personality . . . We have shown that the contradiction in the situation of the proletarian consists in his dependence on the property-owner because he owns only labor and no capital. Is it this dependence, then, the consequence of the laws of acquisition, which ought to be eliminated by social reform? . . . Is it the very existence of these two classes, whose complete abolition is the aim and the driving force of the social problems of our time as well as of the future? . . .

If one considers the nature of capital and labor, it seems undoubtedly true that the division of society into property-owning and laboring classes, and the dependence of the latter upon the former, is *not* in contradiction to the concept of personality or of personal freedom, as long as capital remains the fruit of labor. In this case, capital ownership is merely a higher stage of development of personal life . . . As long as the inherent nature of capital and labor remains unchanged, this differentiation and dependence are inevitable. It would be a complete misinterpretation of the nature of social life to consider the abolition of this differentiation as the aim of social reform . . . The wealth of mankind rests on the developmental potentials of labor to transform itself into capital . . . Indeed, the abolition of this differentiation is not at all the aim of the proletariat . . . The proletariat wants to be able to acquire capital. Here is the core of the problem. By conquering nature and submitting it to his service, man becomes free. His freedom rests on his ability to dominate the outer world by his own effort, the realization of his personal and continuously reasserted self-determination. In the acquisitive society, capital is the symbol and the reality of this domination. Personal independence in this society rests on the ability of even the meanest worker to acquire capital.

This provides an opportunity for everybody to break through the traditional pattern of social classes and of the ensuing dependence . . . As long as this opportunity exists in the form of a rule also extending to the worker, no contradiction is apparent, and the social order is stable, no matter how great are the dependence and the differences between the two classes.

The essence of the social question and of social reform in our present society is therefore clearly indicated. The problem is whether it is at all possible, in the acquisitive society, to provide labor with the necessary opportunities and corresponding institutions for the acquisition of property commensurate with the accomplishments and standards of labor. The social reform movement consists of the work, the activities, the suggestions, the attempts, the laws, and the institutions which aim to create these opportunities for the working class . . .

We have seen that all social movements are necessarily controlled by interests . . . If society is to accomplish its own reform, such reform has to be in its own interest. Let us not deceive ourselves; social reform would and could never be accomplished if it were not in the interest of society.

No doubt this is the case. The harmony of eternal laws guiding mankind would be completely destroyed if the principle which gives rise to the social order would destroy social independence within this order. Interest must be able both to demand and also to establish liberty.

To prove this lies beyond the scope of this book . . . But it is now clear where the principle of any true social reform lies. It is the awareness of the property-owning class that its own highest and clearly understood interest forces it to work for social reforms unflinchingly with the greatest exertion of its social power and with the full support of the state . . .

A FINAL CONSIDERATION: GERMANY AND FRANCE

. . . It has been our task to compare the concept of society with the concept of the state, to regard the social order and the social movement as the main determinants of political life, and to interpret the contrast between the ideas of personal independence and dependence as the very essence of social life and social changes . . . We have answered only the first of the three questions which present themselves: What is society and what is the nature of its dynamics and its contradictions? The second question, not less important, is the following: If the organization of society rests on the principles indicated, if its development is determined by the laws which have here been outlined, what then is the social condition, the social danger, and the social question of Europe or the various European countries? This raises the third question: What are the means for coping with the antagonism between the two classes of society, and what is the social future of Europe? . . .

Up to now, Germany has not yet made an original contribution to the social sciences. The experienced scholar has to admit with embarrassment that our social-intellectual movement to date has been only a very weak reflection of French thought . . . If we want to achieve great things going beyond the accomplishments of our neighbors, we must now try to penetrate to the very core of human order . . . While the French remain involved in questions of social theories, subject to the danger and weakness of a merely subjective interpretation, we should

develop a *science of society*, an objective analysis of social elements and phenomena . . .

In order to do this, we have to look for a starting point which raises us above the French. Would not this point of departure emerge precisely from the social movements in France which, during the last fifty years, appear to us to have attempted at various points and at different stages of development to grasp the specific problem with which we have to deal? This being indeed the case, our point of departure is exactly the one at which not only this or that social theory, but the very concept, the nature, and the supreme life of society reveal themselves. This life has its eternal unalterable laws, since personality and property are its eternal elements. If all of nature, if the solar systems as well as the smallest wheel in their movement, if the human body in its growth, if even chance all have their predictable laws, how could it be possible that the highest form of earthly life, the community of men, in its different forms, in its changes and in its progress, is not subject to laws? . . . At a time when most people search only for theories which would provide a solution to social antagonism, I have ventured to develop the theory of the concept and the nature of human society . . .

Whether what has been developed here as a basis for scientific knowledge is only logically consistent, or whether it also reflects objective truth embedded in the reality of human life, can only be decided after solving the second major problem, namely, the presentation of the history and the present structure of European society . . . Our investigation should not merely relate political history to legal history, but should also view both from the aspect of the idea and the laws of social development . . . We have confined ourselves to the most recent historical period; in more than one respect this is predominantly the era of social movement. For this period we have chosen to concentrate our efforts on one nation, the French, as the representative of this movement.

Germany, seemingly closer to us, caught our attention first. But Germany is a peculiar case in this respect, as in many others. Germany is divided into different states, but the Germans are nevertheless one people. With all her will power and her enthusiasm she strives for political unification as a prerequisite of freedom. But she has been unable to attain unity so far . . . The national movement considers the present social movement as secondary, and has used a good part of its strength to keep it in check. The social movement has partly despised, partly misjudged, the political one and has moved away from it. As a result, the best forces of both have been dissipated . . .

If our law of the movement toward freedom is correct, political

change has to precede social change. Therefore it is certain and inevitable that in Germany the social movement must and will be pushed into the background as soon as the German people rise again; then it can and will first of all solve the purely political problem of German unification, since this is the natural and necessary precondition for the solving of the social question. The next revolution in Germany, therefore, will be a political one, and will determine the political form of Germany. However, just as inevitably the social movements will follow this political revolution; so only when Germany has become politically united will the question of social freedom arise . . . Because of the intermingling of two historical phases in our time, the movement in Germany cannot very well be used as an illustration of the concepts above; rather they can be used in explaining the social movement in Germany. In France the situation is quite different.

France is, above all, the country where the general movements of Europe tend to take a specific form, quickly and decidedly so. In all public matters the interest of Europe is focused on this country of action. For it is recognized that she is chosen to provide the testing grounds for the validity and truth of all those principles which dominate public life . . . The history of French society, more than any other, has been full of serious consequences and lessons. Her contemporary condition reveals a peculiar and far from stable picture. Here is a rich soil to capture the attention of the educated and privileged classes, for the interest of the historian and for the research of the scholar, if they want to explore the reasons for the social struggles in contemporary European society . . .

It has frequently been stated that the French history of the last decades has been copied by Germany almost step by step. The Germans have been reproached for this, and the reproach has been used as a weapon. This is not justified. What has happened in France was not due to the specific endowments of the French people. French history from 1789 to the present is not a great deed of the country; it is nothing but the purest manifestation of the laws unhampered by other influences which rule the movements of political and social life. The development during these decades, the single great events as well as the most important legislative acts, . . . have been necessary phenomena. The revolutions of 1789 and 1830 were unavoidable; it was inevitable that social ideas emerged; it was inevitable, too, that social democracy made its first appearance with the revolution of 1848. It was not necessary for all this to happen exactly in the years it did happen, nor was it necessary for it to happen under the specific circumstances it did.

But the events as such were necessary. The history of France is the best justification for the emergence of the science of society. The development of freedom is everywhere essentially the same, even though it may appear in different forms, as it did in the cases of England and Germany . . . Therefore, historical research dealing with society will first turn towards France and her revolutions . . . Everything that has been said and thought during the last half-century with reference to the great questions of our future may be found there in embryonic form . . .

If it is true that France represents the basic model of the history of society, this history is reflected in three quite natural phases: the first phase, stretching from 1788 to the July revolution, includes the purely political revolution, the victory of the acquisitive but legally dependent class over the merely owning and ruling class. The second phase will show the origins of the working class as an independent and unified part of society, or of the proletariat, and its opposition to the owning class or to capital; it will also trace the social ideas and intellectual movements which emerge in it out of the idea of liberty and equality. Finally the third phase shows the struggle and the victory of social democracy and its present condition . . .

THE SOCIAL HISTORY OF THE FRENCH REVOLUTION UNTIL 1830

THE ELEMENTS OF THE FRENCH REVOLUTION

The Condition and Inner Contradiction of French Society before the Revolution

. . . During the 18th century, a movement which took not less than a thousand years to reach its full limits came to its end. This was the formation of feudal society, which was essentially the same for all of Europe, so that in speaking about France we are speaking about the other European countries as well.

The old empire of Charlemagne had disintegrated as a result of the ever recurring fact that the most courageous and powerful warriors were invested with landed property conveying to them the sovereign rights of the state over it; in other words, that the authority of the state became their private property. These rights were inherited by their families; by these rights they ruled the families of the tenant farmers, the burghers and the peasants—all in the name of the state. There developed a ruling class—determined by birth—which considered itself exclusively called upon to participate in the administrative function of the state. This social class within society was the aristocracy.

When the Kingdom of France and the principalities in Germany arose, both had first to face a hard struggle with this aristocracy. After the aristocrats had been defeated, they openly aligned themselves with the throne. As ruler, of a large part of the land—in France more than half of the whole territory—experienced in warfare, brave, skilled in public affairs, wealthy, brilliant, chivalrous in manners, they were received with open arms by the reigning princes. The previous enemies now became the pillars and the glory of the throne. In order to govern their dependent people without state interference, they allowed themselves to be ruled by the absolute princes; absolute rulers on their own domains, they became absolute servants at the court.

The aristocracy was joined by the clergy, which was almost as powerful. The clergy had undergone a peculiar development. Originally,

from the 10th to the 13th century, it was recruited from all parts of the population; the serfs as well as the barons found in the church the equality of all as human beings, which the Christian religion had held out to all souls before the Lord. The highest position could be reached by the most humble, and these highest positions were almost equal in power and splendor to the princely thrones. The clergy, therefore, offered an opportunity to members of the lower classes to achieve a powerful and brilliant future by their own efforts; at that time, only personal ability determined promotion among the clergy. It was this natural interrelation between the upper and lower classes that contributed to the great power which the Church held over the whole populace.

But when the clergy slowly gained extensive landed property and became a powerful influence, the aristocracy expected to get the better part of it. Their younger sons joined the church, and, as a result of powerful connections, they succeeded in securing the higher positions almost exclusively for the aristocrats. The proper work of the church was left to the lower ranks, the priests and subaltern clergy, while the honors and the benefits were reaped by those who did the least for the holy mission of the Church. As early as the 16th and 17th centuries, the two main elements within the Catholic Church began to separate: the aristocratic branch, represented by prelates and definitely aligned with the nobility from which it came; and the democratic branch, the priests, siding with the population at large to which they belonged. This was also the state of affairs in the 18th century.

Anybody who was neither nobleman nor clergyman belonged to the third estate. It encompassed very diversified elements of the population. It included the wealthiest merchants, the biggest manufacturers and entrepreneurs, the well-to-do peasants, the scholars, writers and artists, as well as the smallest shopkeepers, the hired man, the worker, the serf, the idlers—for the members of this estate either owned no property or else their property, no matter how large, was such as not to give them any legal privileges. They were excluded from all higher positions in the state, from becoming officers in the army or state administration, excluded from the whole social stratum of the upper classes. Only total subservience to the rule of the latter provided for the unifying bond of this estate. However, they formed the large majority of the total population, which became dominant as commerce and trade developed during the 18th century, as education spread and wealth accumulated in their hands. While the nobility in France ruled and the clergy belonged in part to the ruling class and in part to the ruled class, the whole remain-

ing population was one huge class which possessed almost no rights.

Such was the situation in French society during the 18th century, and it is well known that in other countries similar conditions prevailed . . . The nobility had become an independent estate through the privileges based on property . . . The possessions of the aristocracy were almost exclusively landed property . . . This property was not gained by work but in most cases by force of arms and had been transmitted to the present generation through inheritance. It was a traditional property, the original acquisition of which could not even be proved in thousands of cases. This fact alone made it distinctly different from any other property. Still more important was another factor. The landed property of the nobility was not maintained by the labor of the families owning it. The big as well as the small landlords considered it beneath their dignity to cultivate their own land. Instead of gaining benefits for themselves as well as for society through competent agricultural management, they considered it their right and duty to live on the services of their serfs without working themselves. In addition to their property, which had not been acquired by labor, they also had an income which did not result from labor. They lived on the labor of others . . .

Since the property-owning nobility did not work, it had to secure its possessions and the unearned income derived from it by privileges . . . There were two main types of privileges: First, that the traditional landed property of the nobility could not be acquired by labor or by wealth gained through labor; it had to remain under the control of the aristocracy. Second, that this property could be taxed only within narrow limits in order not to affect seriously the unearned income of its owners. Both privileges were in contradiction to the nature of things . . . Since labor could never gain property, work was done poorly; and since the unearned income was to be derived from labor, the revenues of the nobility decreased constantly while their wasteful living continued. This resulted in large indebtedness of entailed landed property, and thus into a new social contradiction: the value of the land was transmitted into the hands of the creditors who, however, were not allowed to seize the possessions. All these contradictions were maintained by law, and because of that they first appeared as privileges and later as injustices. . . . French society was founded on the contradiction that the historical property, whose owner did not work, ruled unrestrictedly over labor on this property, and that this rule was preserved not by the nature of things but only by privilege . . . Thus, the relationship between the nobility and the third estate was contradictory in its very nature . . .

The laborer was not the only one who belonged to the third estate.

Capital had developed simultaneously with industry as the by-product and prerequisite of industry. Capital consists of the accumulated surplus of values over and above the costs of production. Under the given conditions, capital could not develop in the countryside; it grew in the cities. Capital is essentially different from traditional property. As a product of labor, it is acquired, and as such available to anybody. It is rarely denied to anyone who has courage, zeal and good luck . . . As a rule, capital is the manifestation of personal ability, and entitles its owner to an appropriate social position. It also carries with it the right to be disposed of freely by its owner. This is the nature of capital . . .

The traditional property of the nobility is the direct opposite. The nobility excluded the acquired property, capital, completely from participation in government, and assigned to it a subordinate social position. At the same time, taxes were almost exclusively imposed upon capital owners, who, as a result, carried the heavy burden of public expenses without deriving any benefit from it. In this fashion, the nobility came into sharp opposition to the second important element of the third estate.

A similar attitude toward the rights and position of the aristocracy prevailed among a third group of this estate. It included the scholars, the artists, all the highly educated whose life, income and significance rested on their intellectual possessions. The nobility, holding the highest station without working, despised the sciences. Vaguely aware that the free movement of the mind might lay a basis for a struggle against dependency in society, the nobility persecuted the propagation of ideas wherever possible. Where is the opposition to freedom stronger than under conditions where even free thought is not tolerated? What would free thought have propagated if it had been permitted to do that under these conditions, and what did it propagate despite the existing restraints? That no prerogative is genuinely justified if it hampers the achievement of the eternal goal of the free personality, of its development towards the realization of its individuality . . .

The Position of the State in France before the Revolution

Under such conditions, it was natural that the gloomy feeling of general discomfort spread more and more. Slowly, pressure built up against the prevailing order, and a search for remedies began. With the growing tension, the reasonable and the thoughtful turned first to the authority which has the function and the power to intervene in such a case of emergency—to the state.

We have shown that under the existing conditions of French society, the wealth of the nation had to remain at a low level. The finances of

the state gave an accurate picture of this fact. While expenditures rose, revenues declined quite out of proportion. Distress—long since prevailing in the cottages of the laborers—now knocked at the door of state administration. Nobody could deny that the administration moved towards an abyss. The financiers had been aware of this for a long time; finally the government too could deny it no longer.

It is undoubtedly true that the degree of the state's welfare, wealth and statesmanship is definitely determined by the extent of the well-being and wealth, and by the vigor, of the majority of the population. The state is, therefore, by virtue of its interest as well as of its principle, called upon to help the population with all the power at its command. The population at large senses this, . . . so that at first it always addresses its demands to the state, which has a specific responsibility. If the form of the state is such that it hinders the promotion of welfare, the state has to sacrifice its form of government in order to save itself. The form is nothing but the existing public law. The state must, by its supreme power, do away with the existing law and develop a new one which the suffering society demands. If the new law emerges, it will promote the participation of the new elements in society; it will destroy the old society by first attacking the privileges of the ruling class. If the state refrains from doing so, it acts contrary to its own interests. It uses its power, which is designed for the well-being of all, for the preservation of the well-being of the few at the expense of all; it thereby deprives itself by a fallacious use of its power of the means of its existence. If this happens, the state becomes the enemy of the majority of the people; it becomes partisan. But if it sides with the people, it strengthens the basis on which it may rest permanently, the general welfare and the firm conviction of its citizens that the state is the guarantor of true progress. This choice is inevitable. The state has to choose between a constitutional reform and the corresponding order of society on the one hand, and involvement in the social struggle on the other; if the state chooses to take a partisan position it will either be defeated or will establish a despotic rule.

Such a situation prevailed in France when Louis XVI ascended the throne. The finances were completely ruined, and the deficit increased from year to year; the revenues declined; and the expenses grew. The state was powerless as a result of a lack of funds; it had lost its old glory without giving up its despotism. The disorder of the finances was in fact not primarily a result of mismanagement; although there was mismanagement, it did not prove to be the source of misfortune but rather the result of the general conditions of a society built on privileges

and monopolies. To a clear-thinking mind there was no doubt that there was no salvation without the establishment of a new system of social rights and privileges . . .

France, the center of Western Europe, felt as well as any other country the pulse of the new life; it was significant that the population hailed the young King at his ascendancy. It expected from him nothing less than to begin developing a new position of the monarchy in France. The conditions were such that there was no time to be lost.

Since the beginning of the 18th century, France had a number of excellent men who pointed out the inescapable necessity of change. Louis XVI had honest and virtuous advisers when he became King. Turgot became minister of finance, which was the key position in the state, and he succeeded within two years in cancelling more than 100 million francs in debts and anticipated taxes. The country sighed with relief. But all this did not touch the roots of the misery; it was only an improvement in administration, not in social conditions. Turgot knew this very well, and he turned his attention toward the latter. He submitted to the King a financial project, the basis of which was free corn trade, abolition of guilds, and finally the distribution of the land tax on *all* landed property, which meant equality of the traditional and privileged property with acquired property, equality and liberty of commerce and industry, and the establishment of competition in trading.

French history would have appeared in a different perspective if proper importance had been attached to this crucial turning point. Indeed, the developments of the subsequent period were completely dependent on what the King was about to decide. Turgot's proposal represented a challenge to the throne to take charge of social reforms without which the state would perish. The road towards the union between the monarchy and the third estate—the life of the whole population—was open, indicating the possibility of progress without a revolution. If one privilege of the landed aristocracy was cancelled, there was nothing to prevent the others from being revoked by a far-reaching legislation; one would have to assemble the old estates and, by establishing self-government of the people, give support to the crown. Monarchy would thus have been the savior of the apparently insoluble social contradiction. If this did not happen, the people would necessarily give up the hope of gaining freedom through their rulers after they had reached unity through them. What could one possibly reply if people said: "We are going to perish unless conditions are changed, our ministers admit it; the King is able to help us; he does not want to; he would rather preserve the aristocracy than save twenty-five million

people from certain ruin; he upholds the abuses. This is only conceivable because the monarchy itself is an abuse." The confidence in the monarchy could have been strengthened for centuries to come by *one* powerful act. But for the first time—and this was a unique example in Europe of that time—the court was victorious over the monarchy, and both were lost.

Louis XVI had the right instincts. He established free trade in corn, . . . he even yielded to Turgot in dissolving the guilds . . . But the court instigated the Queen's intrigue against Turgot; the whole aristocracy revolted; in vain did the King state emphatically: "Only I and Turgot love the people." The aristocracy reproached the King for impairing the sacred heritage of his children and for disgracing the throne by bourgeois institutions. If Louis XVI had shown as much strength in carrying out the good proposals as he did later in bearing adversities, he would have been saved. But he did not resist. When Turgot handed in his resignation he said to the King: "The fate of kings ruled by courtiers is that of Charles I." The King mourned, but the Court rejoiced. The ordinances were rejected. Clugny, who then became secretary of finances, wanted to save the finances by credit, which no longer existed. Malesherbes left for his country seat, later to accompany his King to the guillotine. The nobility had won a decisive victory. It was the year 1776. . . .

Ever since Turgot's resignation, France knew that there was no hope of changing the existing order by way of legislation. The third estate, deserted by the state, turned toward the new ideas. What it needed was a systematized expression of its convictions and demands; it found it in the doctrines which the social contradictions had already produced.

The Origin of the Ideas of Liberty and Equality

. . . There was only one way of solving these contradictions. Progress had to be justified by replacing traditional rights with new ones. The theoretical basis for the new rights could provide the moral justification of the struggle against the old ones. The most able scholars entered the new field, the philosophy of law, which was in search for a principle of absolute rights independent of all historical conditions. In this way, the laws of the coming new order were confronted with those of the traditional order, and the arguments set forth to justify the rights of the new order to dissolve the old were exalted as a science, traceable to the ultimate roots of human knowledge. In this fashion, philosophy of law became a revolutionary power in the interpretation of the law and of all its social institutions; it heralded the dawn of the new century.

The philosophy of law developed in the 16th century, during the

Reformation. It was transformed into a science during the Thirty Years' War by Hugo Grotius. From there on it continued to develop in accordance with its acknowledged task. At the time of its origin, the old Church and its law had been repelled. The new world needed a new law. The foundation of the old idea of law was the absolute commandment of God; the new era had to search for a new legal foundation, and since it could no longer be discovered in faith, it was found in philosophical concepts. Since all law is rooted in the individual and exists for his sake, legal philosophy, in spite of all its deviations, was bound to pay attention time and again to the individual. Aside from many errors and half truths that had cropped up in legal philosophy, this one tenet, namely, that the individual is the source of all laws and rights, had remained unchallenged. . . .

The importance of this idea can be summed up in a few words. The Absolute in any man was necessarily common to all men. The concept of personality did not allow for inequality. The philosophy of law, therefore, even if it came to different conclusions, could not choose a point of departure other than the one of theoretical equality of men.

Hobbes, often quoted and seldom understood, determined the direction of this interpretation as early as the 17th century. . . . Since his appearance, the idea of a *status naturalis* remained the basis of any philosophy of law. Natural equality as a starting point was generally accepted, but not Hobbes' conclusions concerning the war of all against all. Through him the philosophy of law received the name of "natural law." For one century, the philosophers continued to be concerned with this problem area. The last, very important and much too neglected representative of this line of thought was Christian Wolff, who elaborated it in an impressive system, and through whom it came to a close. . . .

According to him all people are first in *status naturalis*; in it "the laws of liberty and equality rule, the right to make use of everything which is necessary to human beings, the right of inviolability and the right to worship prevails." [*Jus. Nat. et Gent.* (1748) Praefat. to Part I. "libertas and aequalitas"]. In the state of nature "all people are equal", because "according to their nature" (which is identical with the concept of personality) "no person has more rights than any other", nobody has "more obligations than any other, nobody has any praerogative over any other." [*ibidem*. Part I Ch. I §§ 89, 92, 94, 105, 106] . . . Wolff adds [*ibidem*: § 130] "If people had remained in this original state, general equality of all would have lasted. . . . But after stepping out of this original condition, they have become unequal, as regards rights as well as obligations because property and the state were instituted." These

were the results of a contract determined by human nature which established a state of law, the *status civilis*, whose function it is to promote human welfare. . . .

It is important to keep the theories of Wolff in one's mind in talking about the conditions of society at that period. Wolff was a most distinguished philosopher known not only in Germany; his logic was taught in France and to some extent in England; . . . he was the personification of the philosophy which attempted to reconcile the abstract concept of personality with the contradictions of the contemporary socio-political situation. This was the very reason he has been so quickly forgotten, without leaving a trace. The existing law was in fact no longer reconcilable with the highest needs of the personality. People, longing for a change of social conditions, were searching for a different philosophy to bring about such a change. The logic of Wolff had had the function of explaining contemporary conditions philosophically. With this its mission ended. . . . Indeed, the statement that all men are free and equal corresponded to the needs of the new era; this proposition is the connecting link between the old and the new philosophy of law. However, why was it unavoidable that the transition from the state of nature with liberty and equality should have brought about thralldom and inequality? If the supreme essence of the personality consists in freedom and equality, was not the supreme right that which established liberty and equality, not only in the state of nature but also in society, and hereby maintained the harmony between the consequences of the social system and the principle? The philosophy of natural law did not answer this question, and here the thoughts of the old and the new philosophy diverged.

In their despair over the abuses of the state, the people first embraced the general statement that human rights are rooted in the nature of man. Social conditions were different from natural ones. Whereas nature taught equality, society preserved inequality. The difference between the ruling and the ruled classes in society appeared to reflect a contrast between nature and social development, i.e. civilization. With the unfailing instinct of the common people, the idea of a natural state became part of the common tradition, while the concept of equality slowly permeated their thoughts. Historians acknowledge that the education of children became more natural. Lavallée states: "The morals became less corrupt, there was less ostentation of vices; virtue was no longer considered ridiculous and people became afraid of the reputation of being immoral. Egotism lost its validity. Charity, humanity and sensibility were in everybody's mind, permeated all publications and accompanied all projects, especially those of the governments." "The French," states

Lacretelle, "had only peaceful plans. At no time were they more peacefully united to fight all evil imposed upon men by nature and affecting social conditions in a thousand ways." Country life and agriculture became attractive, rural happiness was praised, and the peasantry was believed to be imbued with the highest virtue. When Louis XVI, at the advice of Voltaire and Necker, liberated the serfs on the domains, a storm of applause broke out. Men were looking for confirmation of the inner nature of men in the external world; sentimentality and simplicity were nothing but a weapon against the frivolity and luxury of the upper class. However, this quiet opposition against an aristocratic society was not enough to create a new system of law. Out of the prevailing sentiments a clear and solid principle had to be developed. The new philosophy in France undertook this task.

The Principle of Equality and the New Ideas of Political Liberty

When the new philosophy turned toward the great question on which the future of France depended, one thing became quite clear: If a new principle of social order was to be found, it had to be discovered in man outside of society, in man proper. Man as such, the natural man, or in other words the concept of man, became the basis of the new philosophy. It followed from this principle of social order that one natural man is equal to any other natural man, a necessary basic statement upon which further requirements of the new society were to be founded. In this way, the ever-recurring principle of natural equality in the French movement, of *égalité*, entered from the theoretical plane to that of social reality. There is no use trying to describe the distinct meaning of this idea for the people who were willing to live and to die for it. In the public consciousness it first started as a vague notion, continued as a negation of the existing order, provided the basis for the struggle against the given form of community life, eventually including state, administration, law, church, society and property; it was a movement unable to determine its own goal. On this basis, a considerable literature—powerful in view of the circumstances—developed in France. It destroyed the belief in the right of birth as the basis of social stratification; such was its mission; it was essentially negative as the beginning of a new epoch usually is. Voltaire was the foremost representative of this movement. Voltaire did not have political convictions, but he had the right instinct regarding general social conditions. He prepared the way for freedom of thought by destroying with scathing sarcasm the belief in tradition in all areas of human life. To be convinced beyond doubt became ludicrous; this was a

terrible weapon against a social order whose main support rested on the conviction of the people that the status quo of society was God-given: . . . Without Voltaire, the representatives of traditional thought would not have lost quite so quickly their self-confidence—the source of unshakable resistance against dangerous thoughts; and without him the younger generation would have perhaps gained too late the necessary self-confidence in the struggle for new ideas. Voltaire was not primarily interested in politics; nevertheless, he tried to formulate some basic constitutional principles. . . .

More significant as a man of science was Helvetius. He was the psychologist of the idea of equality. In his most important work, *De l'Esprit*, he shows that all men are equally endowed with reason and that only society makes people unequal. . . . Rousseau stands next to him and above him. There is almost no event in the whole French revolution in which we do not discover traits which he had impressed upon the French mind. His treatise "On the Origin and the Foundations of Inequality among Men" had appeared as early as 1754. The Academy of Dijon had offered a prize for an essay on the subject: "What is the origin of inequality among men, and is it authorized by the law of nature?" Rousseau traces the origins of inequality to property and states that inequality is not in harmony with the law of nature. He did not receive the prize; the influence of the paper was perhaps even greater as a consequence of this fact. . . . Rousseau's *Emile* is nothing but the application of the philosophical principle of the *status naturalis* to education. . . . Equality of education will make all people free and equal. Inequality is rooted neither in man nor necessarily in the social order, but rather in the inequality of the conditions under which both live. This was a weighty conclusion. . . . From then on, the thought persisted that inequality is not an inherent necessity as taught by German philosophy, but that only external power imposes it upon men. It seemed irrelevant now to find out how this power had come into being. It was obvious that the state was the power which upheld inequality—in contradistinction to the inherent equality of all human beings—and that the state constitution prevented the state from fulfilling its function of preparing the ground for a return to equality. In this way, all feelings and thought converged upon the necessity of reforming the constitution; common grounds between pure theory and practical life were established.

We have now reached the point where the principles of the philosophy of law, after being merely a subject of philosophic exploration for a whole century, turned toward reality. The philosophy of law had expounded the need of a new state for the emerging new society; the ques-

tion was what this new state was supposed to be like. Two different views prevailed.

The first line of thought may be called the practical or historical. Without denying the value of theoretical thinking, it sets itself a main goal which is attainable in practice. . . . It turned towards England, where it believed a form of government existed which seemed to correspond to its highest hopes. Thus an admiration for the British constitution developed. We still suffer under the one-sidedness of this view.

This school of thought was working for a reconciliation between present and future social conditions. It wanted to incorporate the remnants of the feudal estates into the newly and necessarily transformed state. It approved of the aristocracy but only on the basis of its usefulness; it wanted to preserve the monarchy, and assumed this could be done only by preserving the nobility and its privileges. It wanted to destroy despotism, but only by dividing organically the existing power of the state, because it saw the basis of despotism not in the political principles of absolute monarchy by divine grace, but in the concentration of excessive power in the hands of one person. It wanted to put an end to the suppression of the people not by a reduction of this power, but by balancing its various elements. For this purpose, it developed the concepts of judicial, legislative and executive powers, . . . but it did not understand that the democratic ideas were something other than a mere form of the highest power of the state. . . . It did not come up to the highest ideals of the time; . . . it reflected the opinions of the older generation and died with that generation. It would have shaped the future of France if the change had occurred without a revolution, but it was powerless in the revolutionary development. It did not have a conception of a free society based on free property rights, because it was attempting to build the political constitution on the well-understood basis of the estate society. . . .

The main representative of this school of thought was Montesquieu. His main work—*Esprit des Lois*—is well known. It is the political science of Aristotle applied to a monarchy and to an estate system. . . . Montesquieu merely showed what the old constitution might have been, not what the new one was to be. He had many and powerful followers, so that his ideas only disappeared with the monarchy itself.

Indeed, if the state were nothing else but the monarchy, and if the monarchy could only have been protected by the nobility and by privileges, there could have been no other alternative for society. Another concept of public authority had to be developed to justify freedom within the state. This idea was represented by the second school of

thought. Its basis was not historical traditions but the concept of free man. Its principle was the *social contract*.

The idea that the state had been established and organized on the basis of a contract was first expounded by Hobbes; from him it came to Germany via Pufendorf and was accepted by all philosophers of the 17th and 18th centuries. One of the characteristics of this earlier theory was the assumption that the people had divested themselves of public authority by contract and that the state consequently would be absolute and inviolable in its form. . . . But is it possible for a power which is based on an independent will to be absolute? This is impossible; the idea of the contract is either completely wrong or has to lead to a different conclusion. State power established by popular will and contract is not absolute; rather it is the will of the people itself that is sovereign. The will of the people remains sovereign, and the state power acts only in its name and on its behalf. . . . The state therefore is identical with the people. Because of this, no nation is bound to a specific form of a state; rather, any nation remains free to establish a new constitution at any moment and to withhold its mandate if it considers this appropriate. . . . This version of the idea of the social contract was the one accepted by French society. . . .

Popular sovereignty was not an abstract term during that period. It meant nothing less than the authorization of the state to abrogate the privileges of the nobility and of the clergy. The right of reason was set against historical rights. By contrast to this superior right, the traditional system appeared to be one of sheer arbitrariness based on the rights of the stronger and upheld by force. Who could find fault with the people who used their own power to oppose the right of the mighty? Thus the new form of the state was legitimized, and the revolution became sanctified.

It is well known, that J. J. Rousseau was the main representative of this theory. The "*contrat sociale*" is the codex of popular sovereignty. . . . According to this theory, right was no longer on the side of the throne, which could arbitrarily call upon the consent of the people; neither was it divided between the two; rather, the people were the only true source of all rights. . . . The consequences of this proposition accounted for half of the revolution; they were directed first of all against the sovereignty of the king, the protector of the nobility and its privileges. If the king would not obey, were the people then obliged to obey him? No. . . . Says Rousseau: "If a brigand overtakes me, am I obliged to hand over my purse?" Certainly not. If those who hold the power are victorious, the result is the rule of force but not of right. The subjection of the real

sovereign under his representatives is a misfortune, not an obligation.

These are Rousseau's general principles. They were applied . . . by Sieyès, whose pamphlet *Qu'est-ce que le Tiers État?* . . . was published in 1789 and went through several editions. It became the basis of the Revolution. Sieyès for the first time expressed who, according to Rousseau, was the sovereign representing the "general will," namely, the third estate. . . . "What is the third estate? Everything!" . . . What does the nation which the third estate represents really want? Here begins the specific task of Sieyès. First, it aims at the complete abolition of all privileges, exemptions, status-differences—not only of the tax privileges of the aristocracy; second, after the estates have thus been abolished, it aims at the representation of all the people in one body. Sieyès applied the ideas of Rousseau to the problem of popular representation. . . . Through him, people of action were won over to the theories of Rousseau. Consequently, the revolution had made a big step forward. At the same time, the news of the rebellion in North America arrived in France; Lafayette returned across the Atlantic Ocean, as witness of the victory of popular sovereignty over the "legitimate" power. The independent states prospered, and, as a result, the philosophers were able to contrast the example of old aristocratic England with that of North America. The enthusiasm was great, but it did not concentrate on North America. Rather it focused on the hope that the victory of the people over the holders of power would also come true in France. Thus the wrong position which the ruling power had taken toward society turned the minds of the French people against the power of the state. Different as the two schools of thought were, they both agreed on the necessity of changing the existing conditions. . . . It is evident that the revolution could not limit itself to changing only the institutions of the state.

Part One, Chapter One

THE FRENCH REVOLUTION

THE RULE OF THE THIRD ESTATE

The Notables of 1787 and 1788

. . . We have described the new element within the French population, the third estate, its size as well as its cultural life. Until 1789, this element had that quasi-rudimentary existence which is visible only at close scrutiny and apparent more on the basis of a general feeling than on the basis of distinct independent facts. Although the state acknowledged its existence, the third estate had no position in public law, and the monarchy was neither detached nor foresighted enough to value its importance. The third estate could become a political power only as a separate organization with specific functions within the state administration. The rise of such an organization was unavoidable, but the question of how this goal could be reached had remained unsolved.

The simplest and most natural solution would have been for the state to have taken over this task at the right time. But none of the public authorities was willing or courageous enough to grant the right for such an organization and the personal representation to the third estate. A dismal feeling spread over France. The leading men of the country definitely predicted the approach of a terrible revolution; the impression spread that France was in a state of tremendous, apparently insoluble, contradictions. Even the Court had a foreboding of a tumultuous period to come; on the surface, however, everything appeared to be quiet. . . .

The theory of society shows that the social order, according to its unchangeable nature, determines the constitution of the state. Wherever a new social order develops under the rule of an old constitution, a contradiction necessarily arises between society and state. This contradiction is part of social life, spreading to the life circle of every individual; it affects every commodity, all pleasures and any ability; it spreads to the constitution and administration, which becomes estranged from the people. . . . It is this contradiction which manifests itself in the feeling of

discontent, of anxious expectation of new and powerful events. This hazy premonition reflects merely the absolute necessity for a harmonious relationship between constitution and society and the certainty that this harmony as an unalterable law has to reassert itself at any price. The harmony is broken whenever a new class of society is added to the established ones; and the uneasiness therefore indicates—according to the law of political change—the rise of a new social class and its demand to share in the power of the state. Such was the situation in France during the last half of the 18th century; the same was true again during the 1840's. If the true nature of society were known to the same extent as were the various forms of the state, good intentions could have avoided many evils, then as now. But good intentions especially were lacking. Those who ruled the state did not want to share their power with the other classes. Besides, there was in fact nobody who demanded such sharing. . . . It appeared as if one needed only to refuse representation to the third estate in order to render it powerless. . . . It seemed as if the sheer act of refusal was sufficient. However, the tension grew.

Meanwhile, the financial distress, the immediate sore point of the situation, grew progressively more serious. . . . It was the privilege of the nobility not to be subject to taxes. The whole power of the aristocracy rested on this prerogative. Turgot's main idea, originally concerned with the national economy, was now applied by Necker to the public finances. It was publicly acknowledged . . . that the social order had to be broken to preserve the state. But the aristocracy still possessed absolute power, and Necker, like Turgot, was dismissed. . . . Yet the stress was not relieved thereby. Not only were the reserves of the state exhausted, but so was its credit. . . . Even the King's aristocratic secretary had to admit that either the state or the privileges of the nobility were lost. Money finally accomplished what the lofty ideas of philosophers, the urgent admonitions of statesmen, and the greatest suffering of the people had failed to do. This was the first occasion when money exerted immense power; it forced the state to initiate the new social order. . . .

The main point of the *Memoirs de M. Calonne au Roi*, written in 1785, was the suggestion that the land tax ought to be extended to all landed property and that the third estate be relieved of the most oppressive imposts, the *taille* (head tax), the tax on salt and the compulsory services. Without such measures there was no way out of the difficulties. To be able to inaugurate these laws the King was asked to convene the Notables.

The Notables were originally understood to be the representatives of the people. Their origin is obscure: the high point of their importance

was in the 14th century, when they became known under the name of "*Etats Généraux*." Since then, they had become more and more tools in the hands of the King. . . . The Notables, predominantly composed of the nobility and the clergy, were but an advisory board without any legislative powers. In fact, the king, who continued to be absolute, had the power to manage and use them as he saw fit. . . .

Historians have largely neglected the two assemblies of the Notables. It is true that these assemblies changed nothing, but nevertheless they are of great importance and should have taught an important lesson to future generations. . . .

The Notables represented the old feudal society; therefore they seemed acceptable to the nobility and the clergy. . . . The state gave the Notables the choice of voluntarily yielding their privileges for the benefit of the state; it asked them to deprive themselves voluntarily of their privileges and of thus to recognize as equals the new elements of society. It was one of the solemn moments when an opportunity exists to avoid a violent revolution by a voluntary sacrifice. But the old society rejected the offer. The Notables of 1787 and 1788 exemplified the statement—which almost possesses the validity of a law—that a society which controls the state rarely abandons a social order without compulsion and that it usually risks a revolution in preference to letting the lower class, at the expense of the hitherto privileged take the place to which it is entitled. This proposition, applicable to the analysis of the source of all revolutions, proved to be true during those two years in France. . . .

Before calling on the *Etats Généraux*, the state made another attempt to obtain the approval of the Notables. In 1788, the Notables were called upon to voice their opinions concerning the best method of convoking the Estates General. . . . It was the last attempt to give an opportunity to the old society of giving a friendly hand to the emerging new one. . . . Necker, a representative of the ideas of the third estate, was called upon once more. Necker belonged to the school of Montesquieu; he could conceive of a state without estates. He requested the doubling of the votes of the third estate, in order to set up a lower house as against the upper house of the two privileged estates. The Notables voted five to one against this doubling of the votes of the third estate. This amounted to denying the new estate an adequate position within the government. The Notables were dissolved. The state was deserted by the old society; it had to accept the fact that only a representation based on the principles of the new society could save it. What neither reason nor sympathy had been able to accomplish dire need did. It forced the state into its natural and only appropriate position of putting itself at

the head of the development towards a new society. The short history of the Notables—often overlooked in spite of its importance—has been summarized by the clever statement of a statesman, as told by Sieyès: "What did the Notables do in 1787? They defended their privileges against the throne. What did they do in 1788? They defended them against the nation." [Chapter IV §11].

The Estates General and the Constituent National Assembly

... On January 1, 1789, the King issued a resolution, according to which, "in consideration of the opinion of the minority of the Notables" and of public opinion, representatives of the people ought to be called together in such a way that the third estate was represented by the same number as the total of the two other estates . . .

These *États Généraux* assembled on May 5th, 1789. This day marks a new epoch in history. It is necessary to look carefully at this assembly which was supposed to rule France . . .

The representatives of the third estate included everybody who—without belonging to the two privileged groups—excelled in competence, scholarship and character. No other assembly had up till now gathered together such a number of excellent minds and personalities. It represented the most valuable part of the people, few of them young but also few who would not have been willing to sacrifice their lives for their convictions. They were conscious of the fact that the future of the country depended on them. Everybody who had taken part in the formation of the new set of ideas, was present among them. Excellence was without question on the side of the representatives of the third estate.

The representatives of the two other estates were understandably nothing but the sequence of the Notables, with all their prejudices, their stubbornness and their persistent defense of every prerogative. Only the lower clergy was favorably inclined toward the third estate . . .

What, then, were these *États Généraux* which were thus composed? Indeed they were a strange phenomenon never encountered before; there they were, the two big classes of society, represented at their best within a limited space, as one body and not as enemies confronting each other; assembled rather to decree either the destruction of the state with the preservation of the old privileges or the survival of the state with the abolition of these privileges . . .

The task of these *États Généraux* was to legislate the annulment of the supreme and sanctified rights of the two all-powerful estates, a task which even the state itself had been unable to accomplish. This in itself

was already an accomplishment that usually takes place only after a long struggle. The power of the state was really in the hands of society; the government had succumbed to the representatives of the people; the decisive step had been taken with the convocation of the *États Généraux*. Now the three estates stood together. Necessity and reason forced the Court to support the third estate against the other two. The third estate was represented in equal numbers as the other two estates, and its representatives were superior to those of the other estates. It also knew how to be victorious. With surprising tact for so young an assembly, the third estate requested that the three estates should jointly undertake the legitimation of the deputies. The question on which everything depended, whether the votes were to be counted by persons or by estate, would have been thereby decided. The other estates opposed the motion. The quarrel lasted five long weeks . . . The count of votes by estate according to former rules would have amounted to nothing but an approval of the old feudal society by the *États Généraux*; the counting of votes by heads meant the acknowledgement of political equality of all members of the state. Finally the privileged estates had to give in . . .

Was this a parliamentary victory? Such an interpretation would indicate a crude narrow-mindedness. In fact it was much more. By the decision to vote as individuals rather than as estates, the third estate took the supreme power originally resting with the three estates into its own hands. Beyond this, the decision implied equality of all the members of the *États Généraux*; it destroyed the principle of feudal society. . . . As soon as this new principle became accepted, the whole concept of the *États Généraux* was changed. They no longer represented merely the three estates as such, but, since all members were considered equal, they now also represented the nation, the community of equals. It therefore followed naturally that the representatives did not consider themselves any longer as an assembly of the three estates, but as representatives of the nation. At the suggestion of Sieyès they constituted themselves as the National Assembly.

What was, in the nature of things, bound to happen had become a fact: the downfall of feudal society and its supersession by a society of equals. One thing remained to be done. The government had challenged the *États Généraux* to break the law of the old society; it had raised them above itself and made them a legislative body. The Estates General had been transformed into a National Assembly, representing the third estate. Consequently, this body had to set itself up as the true legislative power, and they did what the situation demanded with enthusiastic conviction. They declared the Assembly to be an

indivisible unit, set up the principle that no taxation was legal unless approved by them, and issued a declaration of the King and the nation to justify and explain these steps.

This powerful Assembly rose in a few days to the summit of the Revolution. It had destroyed the social opposition within its boundaries and demonstrated the equality and unity of the nation. The law of reason was victorious over the historical law. It was more than an administrative reform . . . A completely new state had to emerge with the new society established by the Assembly.

The brief interval of time which we are considering here has been poorly understood and often misinterpreted. It has often been considered as a parliamentary struggle only. But the very fact that a revolution followed shows that it was much more than that. That the French Revolution was a social revolution had already been indicated by the preceding analysis. This first victory of the third estate, in fact, implied already the whole transformation of society. The full import of these steps will become clear only when a history of society is written.

With the establishment of the National Assembly, only the principle of equality in public law had been accepted. The third estate, the nation, had only made a first step into a sphere that had slowly to be conquered . . . So far, the National Assembly had only cancelled the privileges of the estates. What were the essential characteristics of the rule of the estates? . . . The privileges of the nobility and the clergy had developed from circumstances inherent in landed property; the various privileges were nothing but an application of the principle of feudalism according to which landed property is affiliated with the sovereign rights of the state. By eliminating the special representation of the two privileged estates, the Assembly actually dealt only with the consequences that arose out of the principle of the territorial domain. This included the individuality and the entail of landed property, which caused the great differences in the distribution of land. It included further the services and the variety of other burdens imposed on the serfs. It truly reflected the dependence of the people upon the aristocracy. It further included such sovereign rights as that of police and of jurisdiction. In short, it was the very core of the feudal social order. As long as this principle remained untouched, a parliamentary rule of the third estate meant very little. The Assembly knew all this very well. By establishing itself as a National Assembly, it had not yet solved the old contradiction; it had only replaced it by a new one. The representatives of the third estate remained subservient to the other estates. The third estate held the power within the state, but the first and second estates held the

power in society. Again the state constitution and the social order contradicted each other. This contradiction could only be solved by annihilating the basis of the feudal order, namely, feudal property. Out of necessity, the new power of the third estate now turned towards its most difficult, but also its greatest, task. This is the history of the years that followed.

Meanwhile, the people arose. The fatally deluded government did not understand what it had started to do: it had convoked the *États Généraux* to abolish the main privileges of the two superior estates, and to accomplish this it had given to the third estate the greatest chance of commanding the majority vote. It did, however, consider the legitimate use of this power as a revolution against itself. For the first time, the true nature of a monarchy based on nobility became apparent. The King declared himself in favor of the aristocracy and used military power to interfere with the new developments. The King closed the Assembly, gathered troops around Paris and attempted to quell the movement in blood. People were seized by rage. Revolt broke out. The Bastille was stormed. The old state showed that it no longer had even military power. The people were victorious in the streets, as the third estate had been in the Assembly . . . This struggle was of the utmost importance in one respect: it drew the masses into the dispute about principles and imbued the intellectual conflict with the violence of passion . . . From then on, the Assembly and the nation were one body. The subsequent steps of the Assembly strengthened this bond.

The Declaration of the Rights of Man, the First Principle of the New Society, and the New Order of Property Rights

. . . The new society demanded a completely new legal foundation; in order to provide it, the Assembly had to state its principles . . . The victory of the people in Paris was not an ordinary revolt; it was the first heartbeat of the new life. Next to the establishment of the National Assembly it was the greatest political event at the beginning of the Revolution . . .

Everybody felt that something extraordinary had happened. There came a moment when no single person dared to fall behind the all-powerful movement. This moment was the famous night of August 4th. No distinct step had yet been taken against the prevailing differences of rank by the new Assembly, which was based on the still embryonic concept of "the nation". The youthful courage of some members of the privileged estates anticipated the new law. The young Count of Noailles suggested the redemption of all feudal imposts and the abolition

of personal services. He blazed the trail. All the privileged rushed to the tribune, everybody brought a sacrifice; within a few hours the hunting privilege, the tithe, the right of jurisdiction, offices for sale, tax exemptions, inequality of taxes, pensions, privileges to town and villages, the guilds—all were abolished . . . The still uncrystallized idea of equality and unity of the nation had for the first time acquired a practical meaning.

During this night the Assembly had the experience, as people who have long been searching for a truth, of suddenly seeing themselves confronted with the goal of their search through an inspiration. Without further inquiring about the consequences of its statements . . . the Assembly adopted all these principles. There was universal rejoicing; it resounded all over Europe . . . Mirabeau summarized the decisions in a common declaration; after a short debate it was accepted on August 26th by the Assembly. It was the well-known Declaration of the Rights of Man.

The Declaration, submitted to the King and accepted by him, was the basis and the beginning of the Constitution of 1791 . . . Its contents can be summarized in three main points: First, it abolished the privileges of birth and stated that all people in society are equal with regard to power, acquisition, occupation and property. It declared liberty, security of property, and the right to resist oppression as inalienable rights of Man . . .

The second and not less important principle adopted by the Assembly . . . established equality within the state. It stated in Article 6: "All citizens have the right to cooperate personally or through their representatives in the process of legislation. All citizens, knowing that they are equal, can equally share the enjoyments of all dignities, public status and public offices according to their ability and without any other distinction than their virtue and their talents." . . .

Thirdly, the principle of the sovereignty of the people was set forth . . . To secure the sovereignty of the general will, the press was set free, and the right to assemble and to petition was formulated. According to this principle, the general will is formed by the effective participation of all citizens, and the law thus becomes the expression of the common will to which everybody submits.

This is the essence of the Declaration of the Rights of Man. Its logical connection with the trend of history can easily be understood. It is not a law in the traditional sense, nor is it simply a measure taken by a legislative body; rather it represents the first acknowledgement of the principle which secured in public law exclusive power to those elements

from which the third estate had emerged and through which it had become powerful. The principle which made the Declaration the foundation of the new society was the development of the free individual personality unhampered by the feudal privileges of the past. The Declaration reflected the essence of the demands of the third estate, now fully aware of its own wishes. From now on, the movement of the people towards a new order of society had a solid foundation, and it has not been abandoned since. The ideas of liberty and equality had changed by being applied to actual conditions. Until then, these ideas had been conceived merely as political maxims. Now it became clear that they were social principles. From then on, the revolution, by setting up the Declaration of the Rights of Man as the first social principle of the nation, showed its true character in terms of a social reorganization of the total population.

Yet, the Declaration is nevertheless wholly negative. It does not establish anything. It does not contain anything but a systematic destruction of old feudal rights. A new society cannot be formed by a sheer negation; the Declaration was merely the beginning of the new social order. Here we have to refer to a series of decrees of the National Assembly which have not been properly evaluated because of ignorance as regards the concept of society . . . These decrees are the actual foundation of the new social order; they have continued to be in effect since the beginning of the Revolution. They are the true cornerstones of the transformation, which would never have lasted without them.

The Declaration of the Rights of Man had indeed asserted the equality of men as an inalienable principle. But what was it that had made three quarters of France so miserable, so dependent, and so unequal by comparison to the upper class? It was not the law; the law was only a consequence of something else, namely, the distribution of land. As long as two-thirds of it remained in possession of the aristocracy, as long as millions were dependent on the landlord, equality was a principle and a wish, but not a fact . . .

The night of August 4th did not bring about a change in the legal conditions of the peasant class; it only proclaimed principles. What mattered was the application of these principles . . . First, there was a large class of completely dependent serfs . . . Louis XVI had liberated them on his domains by the Edict of 1779, but the powerful feudal lords had not followed suit. There were still millions of serfs; . . . in a society where serfdom exists the principle of equality is an empty phrase. The Assembly immediately decreed that all these privileges based on power and contradicting liberty were to be abolished without compensation

... This declaration marked a true and impressive progress. It meant not only that the whole class of serfs could now breathe freely under the new law and could pursue the acquisition of property by labor; it also meant as a consequence that the new order of things gained most fervent supporters. Only this law explains the enthusiasm of the lowest classes for principles, the beneficial influences of which they probably experienced while they first heard about them. Equally important was another series of relationships based on all irredeemable feudal taxes, which were abolished by the Assembly . . . In removing these, the Assembly acted on the assumption that they were contractual, and interpreted them by the decree of August 11, 1789 as regular assessments subject to redemption . . . Finally the principle of irredeemable rent was abolished, and all rents were declared to be redeemable. (Dec. 18, 1790). By these decrees the Assembly laid the basis for the development of a peasantry and an agricultural economy in France. Without them the population would not have supported the revolution nor borne its burden. Their influence has been tremendous; they derived from the principle which, from then on, determined the future of the whole economy. They opened the road to well-being and independence for the farmer by making him free, personally as well as financially.

However, these decrees were only a step towards independence for the small landholders. Aside from this there continued to exist—in spite of the night of August 4th—the tremendous estates of the aristocracy . . . As long as these remained, equality was only a phrase, because the free peasants amounted to little by comparison and the estates presented a source for new dependence and new privileges. The Assembly was well aware of this. It used the only method which would unfailingly destroy this fortress of inequality on a legal basis in the name of equality. The permanence of these aristocratic possessions had been secured by the fact that they were transmitted undivided to the eldest son of the family . . . On April 8th, 1791, a decree was passed by which all heirs in the same relationship of consanguinity were to receive equal parts of the property. Every death of an aristocrat, therefore, led to the division of his possessions into as many parts as there were heirs. The large land holdings met unavoidably, with dissolution; by continuously becoming smaller, the sons of the big landowners were brought with each generation a step closer to the small farmer. In this fashion, excessive landownership was reduced, while the small landholder, who was now free, was enabled to expand his possessions. Few laws have had a more powerful effect on the social development in France; this decree had become the basis of equality in an agricultural economy . . . It also won over

the whole group of younger descendants of the upper classes for the cause of the Revolution, because it gave them hope for a share in the landownership of their families.

One thing still remained to be done. A great number of citizens were as yet unable to get hold of land because no land was available for sale. Here a political expediency contributed towards the solution of the problem . . . In order to reduce the government's debts, public domains had to be sold . . . The sale had two grave consequences. First, it gave rise to a great number of new estates, small and large, which now all contributed to the rise of well-being and the development of the economy. On the other hand, all these proprietors, who became owners in the name of the Revolution, were totally dependent on the victory of the revolutionary principle. Thus they became the main representatives of this principle within the agricultural sector of the society, so that each step they took to strengthen their position and their new possessions also contributed toward the stabilization of the Revolution . . .

The above are the most important decrees by which the abstract principles of the Declaration of the Rights of Man were transmitted from the Assembly into the reality of social life: into the cottage of the peasant, the family of the aristocrat, and in the relationship of the new landowner towards the soil. They were the real roots of the Revolution which made it possible for French society to withstand internal terrorism and the attack from without . . . Only by these laws were the foundations laid for the new society of France, and only now the revision of the Constitution became an inevitable necessity. At the very time when the Assembly drew the consequences of the events of August 4th did it become aware of the fact that the new order of the state first had to be placed on a firm, well-protected social foundation. The Declaration designates the state as a "social body" (*corps social*) and states in Article 16: "Any society which does not provide a guarantee of rights does not have a constitution." For the first time in history, it was stated that the state constitution is conditioned by the social order . . .

The Third Estate and the two Elements of the New Society.

Its Contradictions. The Introduction of Property Qualifications.

The French Revolution had started when the third estate declared itself to be "the whole nation," according to a statement of Sieyès. What was this third estate? What was it that made it into a unified whole? Scholars, artists, merchants, shopkeepers, farmers, workers, even hoodlums and vagabonds belonged to it; they did not share a common way of life but only the purely negative opposition against the two privileged

classes. This is what held all its members together in one unit. It is understandable that the question of whether there were differences within the third estate was not raised, so long as only determined solidarity could lead to victory over the privileged. The equality among its members was the equality resulting from the absence of rights, the equality of being suppressed; the freedom aspired to was the freedom from the yoke of privilege. The third estate was united on this matter and had been victorious in this respect . . .

Now it had become the only estate. But a single estate ceases to be an estate, it represents society itself. After the aristocracy was destroyed, after the clergy had become state functionaries and all privileges had been abolished, the third estate had replaced feudal society; there was no other society left.

However, a single estate is not only a unit, but necessarily homogeneous. As an estate it consists of a multitude, or perhaps a community of individuals sharing equal rights. Society, however, is more than a mere community; it is a specific order of its various members, a system of classes, interests and activities. An estate cannot be a society. If an estate takes the place of society, it either disappears or carries within itself the elements for the emergence of a new society . . . The appearance of the third estate is not so much the beginning of its reign . . . but rather the first step towards an altogether new social order whose seeds were already present in this victorious estate.

Such was the position of the third estate after its quick victory. It had so far acted only in a negative fashion; it had considered a new constitution but not yet a new social order. Now it was challenged to develop a new society. How could that be done? A new constitution can be created by one stroke, because it is an act of the will of the people. To create a new society is beyond a deliberate decision, because it is the creation of the social life of the people. A sudden establishment of a social order by the third estate was unthinkable. It had to grow slowly and organically. This is what makes that time so significant . . . In order to mold the forms of the new society it had to discover the elements which the third estate contained . . .

The third estate proceeds on the assumption that everybody has the right to participate equally in public decisions. But it is impossible for everybody to rule simultaneously. People have to choose representatives. The choice should fall on the most able and most influential. But who are they? Obviously those who have the means for the best education and for the most powerful support of others. All those who dispose of these means will, by the nature of their position, be called upon to

represent the state by those who lack these means. What are these means? Evidently, first of all, the superior faculty to administer public affairs, knowledge and education. To acquire these, however, certain conditions have to be presupposed. What are these? There is no doubt that property is the condition without which the individual rarely or never acquires a higher cultural status and practical influence. It is property which singles out within the community of citizens those who can administer the state; and since they should be and are superior, it is property which in a society of equal rights creates differences and transforms the community into a society . . . Although the third estate appeared to be quite unconcerned about the social order, the contrast on which the future society was based developed all the same, almost unnoticed. It is again the contrast between the property owners and propertyless. But their relationship has a completely different character from that of the past.

The feudal society was also based on property. But it was the historically conditioned and privileged land ownership which could not be acquired by work. The concept of the new society is based on labor, and the new society makes acquired property the basis of its order. The feudal society absolutely excluded equality. The socialist society makes equality the ruling principle; the third estate, while demanding equality of opportunity, accepts the right to the acquisition of property and the resulting difference in education and prestige as a principle of differentiation . . . True, the new constitution was not concerned with these differences and their consequences. However, if it is true that society determines the constitution, there has to be at least one point where social reality is reflected in the constitution . . . In the case of the French constitution such a point was provided by property qualifications . . .

The introduction of property qualifications—no matter whether large or small, simple or differentiated—marks . . . the intervention of the acquisitive society in constitutional development. Once society is based on property, property qualifications are of necessity established. The question whether this is practical or not is nothing but a variation of the question whether a society based on property rights is the most desirable . . . Strangely enough, during the first months of the French Revolution, events confirmed this kind of interpretation. As early as September 29th, 1789, Thouret submitted the Commission's report on the voting system. The Commission was aware that it had to reconcile the structure of the new society with the theoretical demands for equality. It was also aware of the fact that this could not possibly be

done. It stated: "It is not necessary to make a contribution in order to be a member of the Assembly, since this would destroy personal equality and establish an aristocracy of the wealthy"; nevertheless the commission suggested a system of property qualifications . . .

A violent debate arose around this problem, illustrating that here was the very center of the struggle between the principle of equality and the principle of civil society. The left side of the Assembly started to talk about a new slavery, the right would have liked to add landownership as a prerequisite of eligibility for office. . . . Nevertheless—even though with a slim majority—the suggestions of the Commission were accepted. For the first time, society won a victory over principles. The vehement attacks against the Assembly indicated—already at this point—the approaching cleavage. . . .

According to the concept of personality, everybody who was of age and a resident of the country ought to be a full citizen. The Constitution, however, states: An active citizen is one who has made a direct contribution, the equivalent to the value of three working days; everybody who works for a wage in a household ("*serviteur à gages*") is excluded from active citizenship. The concept of a full citizen in this constitution is thus dependent upon a criterion which is not—like age—an attribute of each individual. Completely excluded from all participation in public action is he who does not own anything, namely the worker; he cannot meet the necessary requirements, regardless of his personal qualifications and his intelligence, which might deserve highest honor. There is no equality of all individuals, but only of those who own a certain amount of property. This establishes an insurmountable difference between two kinds of members of the state, citizens and subjects; the difference in estate is replaced by the difference in wealth; from then on there exists a new dependent class. . . . The first period of the French Revolution, the constitutional period, ends at this point. It had fulfilled its task, but it had not completed the revolution. . . .

We have seen that the fight against the feudal society established the principle of equality as the basis of all progress. We have seen furthermore that equality during the downfall of feudalism became the motto for the basic laws of the Declaration of the Rights of Man. We have seen, finally, that the Constitution of 1791 considered equality of all citizens as fundamental and the will of the nation as sovereign. But how did the Constitution apply this principle of equality? At the same instant when all differences were supposedly eliminated, when all members and classes of society were brought into a close relationship, when all barriers sanctioned by law and customs were destroyed, in the midst

of this liberated populace the constitution erected the barrier of property ownership in order to attain liberty. How was it possible that the contradiction between the principle and its application remained concealed? What was the justification for separating active and passive citizens, after the declaration (Article 1) had stated: "men are born and remain equal in their rights"? How was it possible to exclude the large masses of non-owners from the legislation and yet state, in Article 6, that the law was an expression of the "general will"? Was there any justification for excluding from the sovereign nation those who did not pay direct taxes but who, on the other hand, contributed by excise taxes and were also under obligation to bear arms? Or how was it possible to justify the contradiction whereby Part I Article I stated "that there is no other difference between citizens than that of virtue, of character and of talents", while on the other hand the differences of ownership were stipulated in the very same document as a basis for the rights of active citizenship?

A contradiction was hidden here of which, up to then, nobody had been aware; . . . it is this contradiction which was taken up and elaborated during the following decades. This contradiction between the idea of the free and equal personality and the differentiated distribution of goods was destined to determine the social development of the whole 19th century. To gauge the importance of this contradiction and its influence on the historical events in France, it is necessary to analyze its specific characteristics.

The contradiction which exists between the distribution of property and the free personality is by no means a temporary one. It is an absolute contradiction, due to the boundless ambitions and the external limitations of all mortals. This contradiction did not originate through the laws of the new society, but it emerged for the first time during this period. The great thinkers of the 18th century had long recognized the dilemma. . . . However, to understand the revolutionary movements, one has to keep in mind that the contradiction at the beginning was neither great nor oppressive. Its gravity was mitigated by the notion that property is a result of labor and thrift and that everybody is capable of acquiring it. The oppressiveness of the contrast develops only through the large accumulation of capital and the competition between its owners, a competition which tends to lower wages and increase investments necessary for any enterprise. Thereby the acquisition of property, even under favorable circumstances, becomes possible only in the course of several generations.

With reference to the social conditions in France, it follows that the

struggle between capital and labor was an inevitable consequence of the principle of equality; its sudden appearance, however, was not so much a result of the inner development of society but of the pressures of extraneous circumstances. It is a generally acknowledged fact that the changing course of the French Revolution was brought about by the aggression of foreign powers. Only from the vantage point of social history is it possible to prove the full truth and the significance of this statement. We claim that the transition from the constitutional to the social stage of the early revolutionary period, in spite of all the unsolved contradictions of the former, was made possible only through aggression from outside. We shall consider it our main task to trace the development of this contradiction.

TRANSITION TO THE DEMOCRATIC - COMMUNISTIC PERIOD

The Gradual Separation of the Two Classes. The National Guard and the Clubs. Their First Clash.

The great reformers of this period started out with the conviction that the concept and rights of citizenship could provide a basis for an order of a state and a society of the free and the equal. But together with this principle there emerged the new social order based on property. This transpired not only in society but also in the Constitution. . . . At the beginning of the Revolution, when the close unity of the whole third estate had gained victory over privileges, reference was made exclusively to "the nation;" the individual was the "citizen." Nobody took notice of any differences. Not even the concept the "people" (*peuple*), even less that of the "bourgeois," was being used. The general opinion prevailed that state power was in the hands of the whole nation.

The public becomes aware of the existence of classes in society, no matter how sharp the distinctions of class are, only when one class is in control of the state. . . . Property qualifications may make people aware of class differences. . . . But the rulership of a class becomes noticeable when sudden events crystallize elements of the different class into independent institutions. This is what happened in France.

After the fall of the Bastille, . . . after the destruction of the old state order and the annihilation of traditional authorities,—when the monarchy and the Court were left without real power—it became clear that it is impossible to remain without any ruling authority. But on what should

power be based? It should be very enlightening for all those who are still unwilling to see the true meaning of the notion of popular sovereignty to consider seriously and objectively this particular development of the French Revolution. What could popular sovereignty mean except that the whole people held whole power over the nation? Such was exactly the case. The "nation" ruled, and it ruled absolutely. It ruled as a homogeneous mass of citizens. . . .

History shows that whenever sovereignty of the people is proclaimed as the highest principle, immeasurable confusion in state and society follows. Such a confusion indicates an inner contradiction. The concept of society explains this inner contradiction. The concept of "the people" applies to a unity only in relation to the outside world, in contrast to other people. "The people" proper is nothing else but a social order ruled by social elements which determine relationships of super- and subordination, dependence and differences of interests. Sovereignty of the people actually comprises the concept of the "sovereignty of society."

Since any society contains major opposing forces which are hard to reconcile, . . . the acceptance of popular sovereignty implies the sovereignty of these specific elements within society. Each tries to subdue the other; each, imbued with sovereignty, aligns itself against the other. The intrinsic presupposition of the concept of sovereignty—unity of personal will—thereby disappears; the struggle of antagonistic social elements legalized by the vague notion of popular sovereignty takes its place. . . .

With the breakdown of the old feudal state, two highly interesting institutions emerged: The National Guard and the Clubs. The storming of the Bastille . . . appeared to be the beginning of greater trouble. . . . In anticipation of more serious difficulties, some distinguished citizens met in Paris, . . . divided the city into sixty districts and established an organization consisting of all citizens able to bear arms. They were supplied with uniforms and munition, chose their own leader, and bore the name of *Garde Nationale*. Lafayette became its Commander. Nobody had made preparations for such a plan, . . . nobody had issued an appeal; . . . but in three days, 40,000 men were mobilized. Whom did they represent? What was the importance of this new impressive power which suddenly appeared in Paris like a completely natural phenomenon without causing a great sensation and spread from there over all of France? . . .

If, in the course of a revolution, the state opposes the demands of the new elements of society, the danger exists that they will be suppressed through an external power, represented by the army. The army cannot

possibly support an idea or society at large, . . . it can only support the state. If a new society wants to be safe against the power of the state, it has to provide an organization corresponding to the army. In civil society this organization is the National Guard. The reason for its appearance is always fear of state power. . . . This was the reason for the establishment of the French Guard. It was the weapon by which the new victorious third estate counter-balanced the power of the monarchy and defended itself against the standing army. However, there was a second element represented in the National Guard. After the fall of the Bastille, the military power of the monarchy was already broken, since state power had been transferred to the third estate. Immediately after victory, the third estate desintegrated into opposing groups. Nominally, equality prevailed, but in reality owners ruled over non-owners. The new Constitution was in the hands of the ruling class. This state had no army. It needed one. The National Guard, composed of active citizens, offered its services; and, by upholding the Constitution, it became the military power of the ruling class of society.

The National Assembly had excluded the whole class of non-owners, the passive citizens, from participation in sovereign action. Full citizens were meant to rule half-citizens; particularly, the workers could not own property. In upholding this law, the National Guard upheld the rule of the legislators, the active citizens. In defending order, it defended the political power of the owners over the non-owners. Since the law split the "nation" into two social classes, the National Guard maintained the rule of one part of the nation over the other, the owners over the non-owners. It therefore—without even knowing or wanting it—determined the course of events on the domestic scene in France. . . . It represented the armed organization of the ruling class against the masses which were excluded from power. Thus it developed from a semi-police and semi-military force into a social power, into the embodiment of a social contradiction, into a social institution. . . .

The opposing forces developed a representative organization in the form of clubs. The nature and the destination of the clubs is determined by the needs which created them. No constitution can satisfy everybody. But everybody is well aware of the fact that improvements can be made by way of discussions if freedom of speech is guaranteed. The dissatisfied were looking for contacts and consensus; this is what the clubs provided. Clubs develop whenever the constitution or the administration do not meet the demands of a part of the nation; it is their function to formulate the thoughts which reach beyond the existing order, if it is believed that these thoughts can be realized. . . . Therefore, clubs are unnecessary if the general will essentially prevails; they whither away

as soon as this is accomplished, and they reemerge if this is not the case. . . .

While the National Assembly carried on its activities, misery in Paris grew. There was no work and no bread. . . . People, though free, suffered terribly. Whose fault was it? Did the sovereign nation not even provide the means to avoid famine? . . . Obviously there was something wrong with the planned constitution, which did not correspond to the demands of the people. Whenever the masses suffer they look for an enemy. They are willing to submit to leaders and easily become a tool of demagogues. The clubs represented these two elements: those who were not satisfied with the Constitution because of its inner contradiction became the leaders of the masses who suffered because they had no property. The clubs promised help; they became the organizations of the propertyless class.

Such was the state of affairs in 1790. The main trends are clearly distinguishable. . . . It is the division of the new civil society into two classes which represented the contradiction legalized by the new constitution. The classes of owners and of non-owners are standing side by side, clearly distinguishable and as yet peaceful. Through the National Guard and the clubs they have become aware of their respective position.

The concept of the "nation" already appears to be divided into two, the cleavage increased from day to day. And we ask: What was the meaning of popular sovereignty now? That is to say, who held state power proper, which is by definition indivisible? The monarchy became weaker from day to day; the zeal displayed by the clubs did not leave any doubt that, already by 1790, the race between the two parts of society for the conquest of state power had begun. . . .

Shortly after the Assembly had moved to Paris, the starving people had slain a baker. The Assembly was extremely indignant and wanted to intervene with the strongest measures. A law against revolt, the first "martial law" was suggested. . . . Already at this point the deeper significance of the whole question became clear. Robespierre said: "The Commune"—at that time yet ruled by respected citizens—"requests bread and soldiers—and what for? To suppress *the people*." For the first time, this now widely accepted term was used in a way distinctly different from the concept of "nation", a concept which had not been questioned until that point. Here was the core of the conflict. The citizenry felt endangered by the unknown power; the Assembly, guided by a vague anxiety, issued on the very same day the law against revolt, the so-called "Martial Law": "If the masses do not disperse upon request the armed forces will open fire." . . .

This law is of great importance; from now on, the class of *bons*

citoyens was officially at war with the *peuple*. It is never wise to apply such a law at such a time and even less wise to issue such a law. The masses—willing to be reasonable—do not want to be condemned to silence by sheer physical force. They want to participate, even if only by being informed. Their normal relationship to the upper classes was disrupted; hate and mistrust began to be rampant. . . .

While the Constituent Assembly continued its work under such circumstances, the clubs developed with an unusual energy; particularly the Club of the Jacobins, which seemed to represent a sort of second assembly. The best speakers at the Assembly, even Mirabeau, made their appearances there. . . . Reasonable people set their hopes upon the acceptance of the Constitution.

Suddenly the news spread that the King had fled. If martial law represented a partial declaration of war by citizens against the workers, the flight meant a total war by the King against the Constitution. There was no doubt that the King had betrayed his people. Inevitably the question arose whether liberty could be assured by preserving the throne. . . .

Now the clubs became more active. If this King switches from being a secret to an avowed enemy of liberty, how is it possible for the Constituent Assembly to defend him without betraying liberty? The undetermined position of the two classes of society became finally clear through their different relationships to the King. . . .

On July 15, 1791, the Assembly passed the decree which ordered the *Non-déchéance* of the king, in spite of the fact that he had attempted to flee. The Club of the Jacobins had entered a strong petition for dethronement. . . . The Assembly decided to address the whole nation; it defended its decree forcefully and succeeded in persuading the Club of the Jacobins to withdraw its own petition. The leaders of the people were alarmed, but after having lost the majority support of the Jacobins, they withdrew to establish the new Club of the Cordeliers which was also joined by Danton and Desmoulins. It was this club which now took the lead in instigating the masses. On July 17th, great masses of people marched to the Champ de Mars to sign again the petition against the King. The Assembly lost its composure; the National Guard was called in and marched against the unarmed masses, which did not take any measure to defend themselves. . . . The martial law was read; shouting and stone-throwing followed. Then Lafayette ordered his men to fire against the masses. Several hundred fell dead or were wounded, the rest dispersed. . . . It was the first blood shed by citizens. The Assembly had been victorious. . . . Paris was in a distressed mood, altogether different from that after a victory.

Indeed, great things had happened. The two classes of society, long in existence, had visibly begun to oppose each other. The blood of the victims brought the conflict to light; war was declared; nobody had any illusions that this was only the first act of a terrible struggle. Had public order actually been threatened? No. . . . The Assembly had taken notice that the masses strove to take over the state. By ordering the National Guard to fire at the people, it defended public authority . . . invested in the upper class of society. The Assembly had issued a decree, the masses had dared to petition and had been shot down. Obviously the Assembly wanted *complete* exclusion of the masses from political power, although this power was supposed to be based on popular sovereignty and on complete equality. The contradiction became clear; . . . this event showed for the first time the inevitable consequences of the hazy concept of popular sovereignty. Apparently, the law had been defended; in reality, however, the events indicated that the social struggle which necessarily develops on the basis of popular sovereignty had already started and that the new social order was threatened.

Ever since that time the Assembly had one irreconcilable and terrible enemy: it was the contradiction between the acknowledged principles and their consequences, manifested in the hatred of the people against the National Guard. . . . Either the Constitution had to be abandoned or the power of the people had to be broken. The Assembly was well aware of this. . . . At the last session, after a prolonged struggle, it decided to close the clubs and prohibit their contacts with other associations; significantly, on the same day, the decree pertaining to the final organization of the National Guard was sanctioned. . . .

Nevertheless, both classes of society were to act in unison once again, but only to gain freedom of action against each other.

The Downfall of the Monarchy

Monarchy in the Teutonic European world is one of the most remarkable and at the same time the most peculiar phenomenon of history. It is almost inconceivable that historical research has accepted the institution of monarchy simply as a fact. Under the strangest adversities it has shown a greater vitality than all the other political institutions. . . . It has formed and maintained states; it has survived many changes of constitutions; wherever an attempt was made to destroy it, it returned with almost elemental force. It has been attacked and insulted, it has been fought with intellectual weapons; kings have been executed, and in some cases kings themselves have contributed more to their own destruction than all their enemies—and yet monarchies have

always reappeared. Such an institution must have an important function which must be considered in an account of the fate of monarchies. . . . The unit called "the state," which is equipped to make decisions and act independently, is an absolutely indispensable institution, whether we consider it from the point of view of history, of need, or of philosophy. Even the doctrine of the social contract interprets the contract on which the states rest, and thus the state itself, as necessary. It is not true that a society without authority or without a state is conceivable, just as it is impossible to envisage a condition where popular sovereignty prevails. The state is an independent life, and, like everything alive, it has a personal life. As an entity composed of people, the state has a variety of organs and elements; none of them represents it completely; the state is more than just the relationship among its elements; it governs them all, therefore it transcends them as an independent unit. . . .

The concept of the state manifests itself ideally if it is represented exclusively as a personality and if it is independent of its various elements and organs. History has attempted to solve this greatest problem in a variety of ways. First by the caste system of the Orient where the idea of the state is incorporated in one specific caste; then by the Republics of antiquity, where the idea of the state was finally dissolved to the extent that it was identified with the elements and organs of state life; only in the Germanic world does the monarchy appear in such a way that . . . the person of the king represents the personality of the state. . . .

Since the state embraces all the various elements of the population, its strength and welfare depend on the strength and welfare of all these elements. These elements are identical with society. . . . In society, inevitably divided into classes, the tendency prevails for one class to gain power in order to further its interests at the expense of the others. Only the state has no specific interests. The state has to keep itself aloof from the social struggle. If the state takes sides it contradicts itself; if it participates in the struggle it destroys itself. . . .

With the onset of the French Revolution it was clear that the third estate revolted against the privileged. The monarchy, holding on to the old notion handed down through centuries, conceived of its sovereignty as the basis of the existence of the state. Since the privileged estates defended it, the monarchy sided with the privileged against the people. As the struggle between the social elements broke out, the monarchy committed the grave mistake of aligning itself against liberty. But liberty was victorious, and the state was transformed. Two new social classes began to struggle for control. Monarchy had changed; it had to adjust to its new role.

The class of capital owners, still in its infancy, was supported by the new Constitution, and it was aware of the fact that the masses of the laborers were in opposition. It, therefore, turned to the monarchy, which still represented the state, with the demand to protect its rights; in exchange it also had to protect the monarchy. We discover here for the first time the natural coalition between monarchy and the bourgeoisie which is the basis of constitutionalism. The class of non-owners always feels weaker than the class of owners. It observes that after privileges have been abolished the rule of property owners begins. The non-owners know that this will be a rule of proprietary interests. The only hope of the lower class is that element of the state order which has no interest in property, the king. This explains the centuries-old connection between the lower orders and the king. . . .

Since both parties were dependent on it, the monarchy had an unusual power. . . . During a brief period the monarchy still stood between the two powerful classes of society. Not so much by the measures it took as by its mere existence, monarchy prevented the final conflict; by still holding state power, it made the direct control of one class over the other impossible. It was the last, though weak, partitioning wall.

For, indeed, the monarchy of the Constitution of 1791 was no longer a true monarchy. The idea had taken root that the king was merely a representative of the people; to consider him as an independent authority would have contradicted the concept of popular sovereignty. On the other hand, one did not dare to disregard his independence altogether because of the awareness that popular sovereignty, as Montesquieu had already stated, tended to transform personal despotism into a despotism of the masses. At the beginning of the revolution the republican party was very weak; but those who wanted to preserve the monarchy were in a self-contradictory position. The monarchy of the Constitution is a result of this contradiction; it was neither monarchy nor merely executive power; for the former it was not enough, for the latter it was too much. What, indeed, was the meaning of Title III Article 4 "The government is a monarchy" if there was nothing left to the king but the simple and strictly limited execution of the will of the people which was considered to be sovereign? . . .

An unfortunate interpretation developed here which has frequently contributed to revolutionary eruptions. The monarchy refused to be merely a representative of the people. . . . It wanted to reestablish state power independently of the mandate of the people. Neither of the elements in the new society was willing to support this claim, since each accepted the monarchy only in order to paralyze their social opponents.

If the King wanted to regain his old position, he had to ally himself with the foreign enemy and put himself in opposition to the whole society consisting of his people. This meant to risk everything, because it came close to treason and a declaration of war against the people. It destroyed the basis of the Constitution of 1791 and the possibility of defending the institution of the monarchy. It provoked hatred in the masses of the people, because the King had identified himself with the aristocracy; it also provoked animosity in the bourgeoisie, because their newly acquired rights thus became endangered. . . . In this way the monarchy deliberately undermined the new legal order, for it wanted the old feudal society to rise from the ashes of the new constitutional society. The monarchy dug its own grave. One may very well ask: How was it possible to be deceived on this issue? Others have tried to explain this big mistake in terms of trivial factors. Something much more important than sheer, cold expediency was reflected in this bold venture of the King. . . .

The French Revolution had, beyond all hopes, spread the idea of a new social order all over Europe. The enthusiasm which welcomed the victory of this thought was great. Other countries felt that they, too, contained the elements of a new society and that the struggle against privileges and absolutism was approaching. A two-fold current flowed from France into the countries of the West; one of new ideas and hopes, the other of emigrants with claims of the past. Wherever they came they were welcomed by each country in its own fashion. Suddenly it became clear that, besides the political balance of power, there was a second, perhaps even more powerful bond, a strong solidarity in the whole present life of the people, the homogeneity of all European society. The different estates began to recognize the similarity of the struggle, the companionship in victory and defeat, in progress and limitations. The concern of the emigrants became the concern of the privileged classes in all of Europe, the cause of the third estate that of all suppressed people. The development of European history had finally led to the discovery of that element which established the community of all people—the social conditions.

Before the Constituent Assembly had finished its work, the privileged estates of all Europe—in England, Germany, Italy, Sweden, Spain—had united for defense and attack against the third estate. But the third estate, on the other hand, also joined hands all over Europe. The whole Western World was now divided into two camps; an altogether new phase of history was about to begin.

Here, indeed, and not in wars, victories, and changes in state boundaries, can the present be distinguished from the past. Through the uniformity of European society and the awareness of its solidarity, the

meaning of the proposition that state constitutions depend on the social order had become yet more comprehensible. . . . Subsequently the history and order of Europe became dependent on the social order; not material power, but the structure of society in any state, was bound to be the factor which determined its position, its prestige, and its function within the newly developing balance-of-power system. . . .

The privileged estates, frightened by the victory of the citizens' state in France, were soon aroused in all European countries. They considered war indispensable to stem the revolutionary tide, because they identified their privileged position with the monarchy. In complete agreement, they pushed and worked powerfully until they had united the ruling powers of the West against France. This was not a war against the state of France, even less a war against the King. It was the first European war of the organized feudal society against the emerging civil social order. The French court realized this. It had to take sides in a conflict which was not merely French but European in scope. An honest identification with the new Constitution would have meant that a king for the first time in history would separate himself completely from the traditional system, that he would dissociate himself from all former European relationships, royal friendships, and all legitimate support. In exchange he would be offered in France a future full of mistrust and dangers, full of deprivation, and yet without glory and honor. That was the choice with which the court of Louis XVI was confronted. . . . Officially he declared war against the European coalition of feudal societies, but secretly he allied himself with them. He broke forever with the civil society: he identified himself with the feudal society and perished with it. . . .

When the legislative Assembly met, everybody in France was convinced of the treason by the Court. The unfortunate flight of the King was a clear indication of the nature of the conflict, and many other circumstances had also helped to correct the misconceptions of the people. One important clue consisted in the fact that the emigrants and the foreign powers had always presented the King as yielding to sheer force. It did not help him that he declared war against Austria and Prussia; it was obvious that he had done it only under pressure and that, as a result, the war was not adequately prepared for and was poorly pursued. Thoughts favoring abdication and the establishment of a Republic appeared. At this moment two events occurred which, by uniting once more the two opposing classes of the new society, were destined finally to destroy the monarchy.

We have shown how the Revolution, under the Constituent Assembly,

had already effected the distribution of landed property, partly by liberating the peasant owner, partly by the new inheritance law, and finally by distributing state property. Nevertheless, there had remained two major types of landownership which, if undivided, were bound to perpetuate inequality in society. These types of landownership were, moreover, of political importance inasmuch as the owners identified themselves with the interests of the feudal estates, thus preserving remnants of the old order and also an opportunity for the old order to re-establish itself. The new society could not be considered safe as long as the huge landed property of the Church and the aristocracy continued to exist. The legislators, therefore, took the first opportunity to break up these remnants of the old order. . . .

Early in 1790, the Constituent Assembly had decreed that the catholic religion would not be recognized as a state religion; later, the church organization was adjusted to the new civil administration, and it was decreed that the clergy had to take the oath to the Constitution. By these decrees the clergy ceased to be a separate estate. In addition, these decrees were intended to make the landed property of the clergy subject to sale. This project succeeded to a certain extent. Money owners began to buy church properties and to parcel them out. Again a new group of land owners developed. The first step towards a radical transformation of the church, towards a consolidation of the revolution among the clergy, had been taken.

The priests, particularly the High Church, opened a fierce battle against these measures. They stirred up civil war in the French community; they identified, as usual, their private claims with religion; disorder broke out in the name of God; the measure taken by the Constituent Assembly, which had been intended to strengthen the Revolution, seemed to endanger it more than all the demagogues and all foreign interventions had done.

The new owners, however, were just as unwilling to part with the new property as were the old ones. They identified their rights with the idea of liberty and turned to the newly established state power for protection. A link was established thereby between the new society and the monarchy. . . . The King, as highest executive, needed only to uphold the law in order to ingratiate himself with the entire powerful class. He did not do it. Suspected by the democrats, he made himself unpopular with the new class of owners as well. They turned away from the King and allied themselves with those who were hoping to gain by the parceling out of the landed property of the aristocracy. . . .

A large section of the aristocracy, more wealthy yet than the church,

had emigrated and used the revenue of their property to lead the war against their homeland. . . . According to international law, the Assembly was entitled to take measures against this. But at this point the Assembly trespassed the limits of the law and of moderation in order to abolish forever the privileges of the aristocracy and of the clergy in the new society. Two decrees were passed which definitely tied the class of the new owners with the Revolution. The first decree was directed against the emigrants: all Frenchmen who had left French soil were declared under suspicion of conspiracy unless they returned by January 1, 1792. Unless they returned by that date they were guilty of treason, and their property became subject to confiscation for the benefit of the nation (Nov. 9, 1791). The second decree was directed against the clergy who refused to take the oath of the Constitution. They lost their salaries and were placed under the authority of the secular administration (Nov. 29, 1791). Both decrees were submitted to the King; these decrees were definitely more important than the Constitution, because they actually abolished the aristocracy and the clergy as specific estates by disowning them. It was apparent that the emigrants would not return; nor would the majority of the priests take the oath. By submitting these decrees to the King, the Assembly was in effect asking whether or not he wanted to align himself with the new order of society. But the King rejected this challenge to accept constitutional monarchy. He vetoed both decrees. From now on, there was no other way to success open to the newly propertied class except the one of overthrowing the king.

From this time on, the National Guard disappeared from the scene of the revolutionary movement. The property-owning class yielded to the masses. The clubs were reopened. The King had for the last time used his constitutional rights to fight against the natural growth of the new society; even the Constitution could not be upheld. The monarchy could not be saved. . . .

The president of the Gironde made the decisive motion in the Assembly: he proposed the convocation of a new National Assembly to draw a new constitution and to suspend the King. The motion was accepted unanimously. Both decrees concerning the aristocracy and the clergy were put into effect. The property of the landed aristocracy was confiscated and sold, 4000 clergymen were deported . . . and the King was taken prisoner. This happened on the famous night of August 10th, 1792. Just as the night of August 4th, 1789 had realized the ideas of a civil society, this night realized the ideals of the republicans. . . .

Looking back, one may pose the question: What had really happened concerning the development of society? It is evident that, with the

abolition of monarchy, the last institution which could claim to be a representation of the state's personality standing above the people had disappeared. . . . Only now did the concept of popular sovereignty become a reality; the people were their own masters. The corresponding form of the state was the republic. This was a logical consequence of the events of August 10th. This republic encompassed two distinctly separate parts of a divided society. We have seen how they had come to form an alliance against the king, each motivated by its own interests. After the fall of the monarchy they parted again. The fall of the monarchy was the signal for the battle between these two parts of society for the final conquest of state power. . . . In fact, the republic represented this struggle. For the first time it became clear that the dangers of the republic lie in the self-rule of society, which will always result in the rule of one class over another.

The ruling class had changed as a result of the actions of the King. The bourgeoisie, after having ruled for two years, lost power because it was unable to take constructive steps. Its work and the principle of its existence was the civil Constitution of 1791, which contained everything that the concept of citizen could do for society. A tremendous and very important sphere had remained practically untouched, namely, that of possessions and property. The masses of non-owners now started to rule; they attacked the problem of property and tried to establish a new society rather than a new state. The history of the republic coincides with this attempt. The fall of the monarchy had opened the way for it.

The destruction of monarchy in France had for all of Europe one momentous consequences: henceforth the institution of the monarchy, which in the middle of the 18th century had taken the lead in reforms, became opposed to social reforms. The death of King Louis threw the other kings openly into the arms of the aristocracy. This more than anything else blocked the road of a normal and peaceful progressive development. . . .

A new world emerged.

THE DEMOCRATIC - COMMUNISTIC PERIOD

The Two Interpretations of Equality. The Downfall of the Girond.

The phase of the French Revolution that followed is, without any doubt, one of the most important in world history. . . . This assertion is

made particularly with regard to the main topic of our inquiry: society in relation to the state. . . . Here, too, we presuppose an acquaintance with the main historical facts. The moving forces of history, however, have not yet been fully understood.

The monarchy, insensible to the turn of events, had taken sides with the old feudal society. It had been destroyed and, by its down-fall, had crushed the first manifestation of the civil society based on property and acquisition; it had also compromised itself and destroyed the basis for constitutional rule. The exploding forces of the people had been victorious. The people ruled. The next questions were: Who are these people? What do they want to accomplish through their power?

Towards the end of the Legislature, the expression "the people" had come to denote the masses composed mainly of non-owners. However, we have seen that the opposition to the King brought together the propertied and the masses. Thus, at the beginning of the National Convention in 1792, the ruling "people" did not consist exclusively of the non-owning masses; it included both elements of civil society. The main question of the future was whether, in sharing the power of the state, these two elements would be able to come to an agreement.

At this period all public authorities were completely dissolved. There was no legal or traditional order to speak of. The military were at the frontier. The National Guard, having shed its essential characteristic, had also lost its power. It was only through the multitude that order could be established. The multitude, however, is the body of the nation. Like every body, it is destined to follow the thought emerging from public debates and thus to receive its stimuli and its orders. Speeches and pamphlets, therefore, at this time commanded a power so far unheard of. Rule of the masses is, and was then, the crudest form of the rule of ideas.

Watching the course of events, one is irresistably thrown back to the ideas of those who were the leaders of the people. Their ideas . . . were the true rulers of the social movement in France; the coming events demonstrated this soon enough, with disastrous consequences.

All points of view among all the parties had one common core, the idea of equality. Nobody doubted the truth and realization of this idea. And yet, it was the consequences of this concept which provoked bloody discord within a few months. . . .

The concept of equality can be interpreted from two essentially different points of view. One of these is altogether negative; according to this interpretation all men are equal before the law. Equal rights as viewed in terms of this concept imply merely a guarantee that everybody

is entitled to develop his individuality without interference and by his own initiative. "Negative equality" presupposes the possibility of inequality among individuals; it accepts the fact that inequality is justified if it is the result of the free development of the individual; the negative concept of equality, therefore, is not necessarily in contradiction to practical inequality; it does not struggle against it but accepts it. Among those who demand this type of "equality," natural inequality is usually recognized; indeed, it is frequently even considered to be indispensable. The practical enforcement of absolute equality in social life seems therefore inconceivable to them; they accept the fact that there are good and bad people, and consequently different elements within society. Consciously or unconsciously they demand and strive, as a consequence of their interpretation of equality, towards a rule of the better elements over the others in state and society. Negative equality views inequality in state and society as a result of innate differences among individuals.

But there is also a second interpretation of the concept of equality, which we call the positive. Positive equality is derived from the principle that individuals are equal and that the inequality among men is the result of circumstances, predominantly of property and education. Existing inequalities, natural according to the notion of negative equality, are from this point of view contrary to nature. It is man's task, according to this interpretation, to abolish these unnatural conditions. Since these conditions derive essentially from property and education, which also contribute to preserve them, the positive notion of equality necessarily leads to the abolition of property and to the destruction of differences in ownership and work. . . .

Regarding the use of the state's power, the proponents of the first interpretation will aim at preserving the existing society and at passing a constitution based on it. The proponents of the second interpretation, however, will struggle against the alleged unnatural character of existing inequality and draft a constitution in such a way that the reappearance of inequality is precluded as much as possible.

The practical results of the two principles of equality differed widely; they tended to bring about diametrically opposed usage of the state's power. Since both views had adherents in France at that time and since, in the absence of any established authority, ideology and propaganda (*der Gedanke und das Wort*) ruled the masses, and a life-and-death struggle became inevitable. The outcome was destined to determine the future of France. . . .

The Gironde represented the first, the Montagne the second, of these principles. Together they had overthrown the monarchy, because its

power was contrary to both their interpretations of equality; now they shared the power of the state, and internecine war could not be halted. We know the fate of the Gironde. . . . It is not our task to retrace the history of these days. But we have to ask ourselves how it was possible for the principle of positive equality, with all its contradictions, to gain a victory over the negative concept of equality at this precise moment. Not the parties, but the law of social dynamics, gained the victory over men.

When, in 1792, the European princes saw the downfall of the monarchy in France, they united all their strength to suppress the Revolution. At the same time, the flame of revolt within France became intensified. General misery increased from day to day. Common remedies were of no avail. At this moment the leaders of the movement in Paris decided with great daring to take an extreme last measure. It was proclaimed that the Fatherland was in danger; all France was declared to be under siege; everybody able to bear arms was called up, and the people did their utmost to save the country. What was it that the nation could offer in the greatest emergency? It was the life and property of every individual, the complete submergence of all specific elements of personal life into those of group life, the sacrifice of the person. Here one saw that the love of one's country really has the power to make all people equal with reference to the most precious good.

The salvation of France at this moment depended entirely upon absolute dedication of all the people; the nature and the results of this dedication were such that complete equality ensued, followed by the disappearance of all individual differences. Whoever, at this solemn moment, wanted something special for himself or even for his class betrayed the community. There was no other way to save France from complete annihilation but by this unconditional devotion for the sake of the Revolution. All documents and reports testify to this end. One should not believe that the conservatives thought differently. Even de Maistre, in his *Considérations*, states "After the revolutionary movement had gotten underway, France could only be saved by Jacobinism." Everybody who knows the history of the period agrees with him.

In this way, through the powerful attack of foreign countries, positive equality of all Frenchmen at this particular moment became the basis of the future of France. The external circumstances gave this idea of equality a power which it otherwise would never have attained. Consequently, any theory or any attempt to destroy this basis was viewed not only as reactionary propaganda, but generally as a danger for France, a symptom of shortsightedness, or even treason.

It is impossible to understand the unfortunate position and the fate of the Gironde, to understand how a nation succumbed to the rule of a few who sacrificed the prime of the revolutionary generation, or to explain the change in the power of the parties during 1792, unless one keeps in mind these specific conditions. Only the highest enthusiasm of the masses could create an army and gain victories, and only the conviction that all as equals, and in equal measure, fought for the highest common good could bring about this enthusiasm. What, on the other hand, did the Gironde want to set against this absolute demand? It wanted doubtlessly, something very reasonable, the creation of conditions which would favor the development of natural inequalities. The Gironde took a position deviating from the Revolution; in times of peace the highest hope of freedom, the Gironde now seemed to endanger it. . . . Having sacrificed the monarchy to the idea of negative equality the Gironde was aware of the fact that the idea of the state was now threatened. "If the Revolution takes one further step, it cannot do this without danger. The time has come to put an end to the Revolution. It should be terminated at the moment when the nation is free and all Frenchmen are equal". This serious statement of Barnaves [Lamartine, *Histoire de Gironde* L. III, 6.] in 1791 had passed unnoticed; the Gironde expressed the same views to the Montagnards; but it was in vain; it had to be in vain. In order to find support, the Girondists attempted to prevent the condemnation of the King; they did not succeed. From the beginning of 1793, they were directly opposed to the Montagne, who attacked them as traitors and called them secret allies of tyranny. Suddenly Dumouriez developed the ill-considered plan of using his army in order to save the constitution of 1791. But the army deserted him, because it consisted of the strongest elements of Republican France. At this moment the Montagne had a powerful instrument against its enemies, and it vowed the destruction of the Gironde. . . . Only the tyranny of liberty was able to save liberty from tyranny. . . . Open warfare broke out, and on June 2nd, the twenty-two leaders of the Gironde were arrested. The Montagne ruled unrestricted.

Looking backwards, we may ask ourselves: Did this mean nothing but the destruction of one party in the Assembly and the rule of another one? Was this only the victory of the masses over the intelligentsia? It is impossible to interpret the meaning of this great event by referring to such secondary features. What had taken place was the victory of the principle of positive over that of negative equality, of a society of equals over the preservation of social inequalities. The rule of Robespierre and Danton was but a symbol of the fact that the power of the state of a

great country in turmoil was now gripped by the idea that the external conditions of society, by fostering the inequality of equals, are unnatural and ought to be fought to the end as the enemies of man's true destiny.

This is the true character of the movement. . . . Here, for the first time, we are confronted with the great problem of whether the state is able to enforce equality within society which, by its very nature, is a structured entity. From this perspective, the year of terror of the French Revolution may become a source of valuable experience.

Pure Democracy and the Constitution of 1793.

. . . The principle of positive equality had been victorious. The first question which arose was: what will the constitutional law in a society of positive equals be, and to what extent does the civil constitution differ from the constitution of equality? After the fall of the Gironde, the Montagne, now in power, had to proclaim its aims, other than the one of abolishing monarchy, and beyond the guarantees of the Constitution of 1791.

Whenever the socially valid principles are applied to the constitution, they usually take on new names; this fact has made the understanding of the mutual relationship between state and society more difficult. The principle of social equality, as applied to the constitution, is called the democratic principle. . . .

The decisive victory of positive equality should have brought about a governmental organization which was the purest expression of this principle, that is to say, the most democratic constitution. To most of those who believed in absolute equality everything seemed to be accomplished by such a new constitution; therefore, it was adopted as early as June 24, 1793. As the first legal document of the rule of the masses over the state, it deserves special attention. It shows, unlike any other historical document, the real content of the two concepts "Republic" and "Democracy."

Most people assume that a republic is sufficiently characterized by the mere absence of monarchy so that popular sovereignty is established as soon as the monarchy falls. . . . How obtuse this interpretation is becomes evident after the monarchy has disappeared. . . . The state, in accordance with the concept of being the general and highest personality, . . . is definitely the highest authority, responsible only to itself. It will necessarily give to its representatives, acting in its name, higher dignity and more power. Absolute equality, therefore, if it shall recognize the existence of a state at all, has to raise some individuals over others; . . . it has to impose great differences among the people by endowing some

with governmental power. The first principle of any democratic state is established through the interrelationship of this necessity with the nevertheless retained principle of equality: that anybody sharing public authority has to be elected by the people, and only for a limited time. Election is the act by which governmental power flows back to its originator, the people, from which it re-emerges. The identity of the people with governmental power, or, in other words, popular sovereignty, is manifested by this election of all officials.

The second principle of political democracy is easily understood: Everybody has to share the sovereignty, which resides in *all* the people; there can be no differences based on property or qualifications; there is equal voting power; there is no difference between the active and the passive citizen; person and citizen are identical. There is no other legislative power except the people, that is to say all citizens; only the decision of the original assembly turns the popular will into law. The *Acte constitutionnel*, presented to the people on June 24, 1793, had carried out these principles. . . .

. . . Here the principle of equality had apparently reached its climax. The state does not recognize any inequality among its citizens; neither does it recognize the existence of a governmental decision other than the people's will. The Constitution of 1793 is the first clearly conceived, purely democratic constitution in European history. . . . What, then, remained to be done for equality? While drafting the constitution, the legislators felt already that it would not suffice to establish equality. Shortly after this Constitution was put into effect, it had to be suspended again. . . . One realized that this Constitution, by itself, would be unable to control its opponents, unable to function by its own power. The immediate suspension was already a suspicious symptom. Where was the enemy? Basically this Constitution was not so very different from the earlier one of 1791—yet, while the former had been supported by the whole nation, the latter could scarcely gain nominal acceptance even with the aid of terrorism. There seemed to be an insurmountable difficulty. What was its source?

Hegel had already stated that the French Revolution was thought transformed into action. The truth of this interpretation refers to the situation with which we are confronted now. Not the French Revolution, but the Constitution of 1793, is indeed an act of thought. This was its strength but also its weakness.

We have shown how society and the constitution, according to their very nature, are mutually interdependent. The form of the state has to be based on the social order. . . . The structure of society may be tem-

porarily determined by the form of the state, but it will always reassert itself irresistibly and force the state to adjust the constitution accordingly. Wherever a constitution prevails, it does so by the power of society; wherever it fails, it does so through the contradictions with society. The basic tenet of the new Constitution of 1793 was absolute personal equality. Public law, the right to vote, public representation and legislation were established according to this principle. The state did not want to recognize, still less create, any differences. This state form, according to the law which determines the relationship between state and society, is based on the assumption that society too is not differentiated. But did social equality really exist side by side with political equality? We do not simply want to deny it. To eliminate any doubt we ask whether it was possible that equality really existed.

Certainly there was no trace of equality before 1789. If it had developed since, it would have been brought about by the power of the state. What had been done to further social equality during the intervening year?

Nobility, privileges, monopolies and guilds were abolished. Every individual was to be evaluated according to his own merits. However, nobility and privileges not only represent inequality, they also create inequality. Individuals become different because of them. Privileges not only grant property and income, they also transmit education and prestige. They deposit something in the individual, something which becomes an integral part of him. At the same time and by the same token, they are the conditions of personal inequality. By their removal legal inequality was destroyed, and the conditions of personal inequality were attacked. But the consequences of these conditions, the inequality of personal development based on pre-revolutionary conditions, could not possibly be removed. Society was not composed of equals. To the extent that inequality was independent of privileges it had not even been attacked; differences based on privileges were only abolished for the future. Therefore, society, in 1793, was an organization of very diverging groups and classes.

Upon this existing inequality was imposed a Constitution based on absolute equality. This created a contradiction between society and constitution, two institutions which are mutually interdependent. . . . It was a constitution on paper only. That it was not applicable was not a result of specific rules but a result of the contradiction with the existing and emerging social order. But if its acceptance by society was impossible, it could not have been created by this very same society. Who had conceived of this Constitution?

For the first time, we meet here an element of all democratic trends regarding constitutional law, an element which, though imparting rigor and keenness, is their most deadly enemy. Democracy presupposes the equality of men; however, this is not interpreted as a fact upon which one can build but as a conclusion drawn from the concept of personality. A democratic constitution is but a systematized consequence of this concept. It is a constitution based on principle. Among all possible constitutions it is the one which springs from an idea; it assumes the reality of principles. The state, therefore, becomes a mechanism, and society becomes nothing but the nondescript multitude of people. Such a constitution is an abstraction of the reality of mankind and of real society; it is a doctrine in terms of a state constitution; the French, quite appropriately call it an ideology. Wherever it rules without qualifications it places state and constitution in opposition to society. The principle, is its truth; and while this gives to its adherents the courage of convictions, it deprives the institutions of an operating basis. Pure democracy is therefore unable to rule; . . . a result of thought, it is valid only in the realm of thought. . . .

This was the state of affairs in France after the downfall of the Gironde. There was no peace possible under this insoluble contradiction. . . . Terrorism, with all its horror, had to demonstrate to the amazement of Europeans of that time what the power of an abstract principle is able to accomplish and also what it is not able to do.

Terrorism

There is no other period of the French Revolution besides the period of terrorism which has been traced and retraced back so decidedly to the furor, the madness, and the power of certain individuals. All traditional interpretations and rational explanations seemed to fail. Such bloody scenes may be comprehensible in a country which is sorely afflicted, where the victors rule over the defeated, where retribution is carried out and dangers prevail. But up to now, the fact that made it possible for thousands of peaceful citizens to be cold-bloodedly sacrificed with the sincere conviction that this was done in the name of truth and justice have rarely been explored. And yet terrorism was in fact the necessary consequence of the situation in which state power was exclusively in the hands of democratic extremists. Terrorism, for most people an excess of mad bloodthirst, was quite a natural result of the revolution, comparable to a crisis during serious illness. Its explanation rests on the foregoing analysis.

We have shown that the state form of political democracy presupposes

equality—an equality which did not exist. If it is true that the structure of society determines the constitution, either the constitution of 1793 or the society was doomed. There was no other possibility. . . . The state power based on that constitution had to begin a life-and-death struggle with society. Every trace of inequality had to be annihilated. This was the function of terrorism: the use of state power against any differences in society which might lead to differentiation within the state.

In order to understand the position of the rulers in a pure democracy, one has to have the strength to figure out intellectually the inevitable necessity of these terrible consequences. It was one of the most solemn moments in the course of history when the cruelty of thought reigned over the whole life of the people and the blood of thousands of its citizens did not stir any human sympathy. . . .

A dismal period followed. The three representatives of the Montagne—Marat, Danton and Robespierre—began to sense what they had done with that Constitution. The principle of equality, realized in the state, now turned toward society; since it was sanctified through the form of the state, any offense of this principle in society became a crime. The mere fact of being different, to be distinguished by education or property seemed now the danger; in fact, it meant danger and irreconcilable opposition against the purely democratic state order. That was the basis on which these men stood. . . . This principle enforced man's inhumanity to man. . . .

How these three men acted in this situation is of more than just historical importance. The first, Danton, that powerful Mirabeau of the marketplace, wanted liberty and equality; but mainly he wanted to enjoy them. He relished them partly as a fighter against the old regime, surrounded by the rejoicing masses, but he was also intoxicated by the enjoyment of riches. . . . He wanted everybody to share in it, but did not want to forego anything. He did not understand the need for equality of work nor for equality of restraint; he indulged in the liberty of complete licentiousness. When the "party of virtue" around Robespierre took offense, he broke with Robespierre and fell. He did not have the courage to accept the fact that restraint is the first source of authority. There also exists an aristocracy of pleasure hunting. After having destroyed every other aristocracy, he plunged into this one. He fell because he had become a nuisance to all those who did not want this kind of aristocracy either. Nevertheless, he was a powerful and an unusual character. All those who wanted to preserve a differentiated society by acknowledging genius, superior ability, and extraordinary personality had put their hope in him. But unfortunately a number of people had

attached themselves to him who looked upon the Revolution as a mere venture and simply wanted to indulge under his protection. The last stronghold of anything that aspired to be superior to the ordinary went down with his fall. . . .

Another terrible and revolting character was Marat. He represented the personification of resentment against anything superior. Lamartine has characterized him best by the statement: "Equality was his obsession because superiority meant his martyrdom." Marat represented all those who supported the revolution because they wanted to destroy excellence and to establish the rule of mediocrity. This part of the intelligentsia is not negligible; and no matter how much it weighs in the scale of events, it grows on poisonous soil and has but ill effects. With the acute instinct of envy, Marat first pointed out the germ of all differences in a civil society, the true enemy of pure egalitarianism. He for the first time pointed to differences in property as the true enemy of liberty as he understood it; but his thoughts did not reach any further than to the sheer annihilation of the propertied class by the masses. He wanted to persecute the wealthy, he wanted their houses to be destroyed; he did not want anybody to gain status by virtue of his property. During the Constituent Assembly, his newspaper, *Ami du peuple*, had been the voice of mass antagonism against upper-class society; there we find for the first time the statement that "it is a poor victory to defeat nobility in order to succumb to an aristocracy of money", that "the favorites of fortune" ought to tremble, and that the poor "to whom active citizenship has been denied because they are too poor, will make an end to their poverty by confiscating abundance." He further develops the idea of equality; he denounces all superior people and for the first time acquaints the worker with the idea that equality before the law is not enough, but that "equality of rights leads to equality of enjoyment and only here the thought of equality finds its fulfillment." It was he who pushed the arrest of the Girondists; he was not satisfied with the annihilation of leading individuals; he asked "whether it would not be of great benefit for the innocent millions to execute hundreds of stubborn enemies of liberty;" everybody was denounced to be a traitor unless he belonged to the general populace. Nobody has ever popularized blood and murder as Marat did in the *Ami du Peuple*. Marat, just like envy, was altogether negative, and negative exclusively against the specific. He never rose to the heights of communism, to the negation of property, even less to a positive concept for society. . . . It was his mission to instigate the lower classes to a pitch; then he suddenly died. Had he lived longer, he would doubtlessly have had to fight with Robespierre for his survival. After his death, the fall of the Hébertistes, who repre-

sented pure nihilism, by the hands of the defenders of virtue, was unavoidable. Soon after the death of Danton and Desmoulins and those few endowed with genius who had kept their heads above the revolutionary waves (March 1794), the other group, which had no principles at all, was also doomed (April 1794); and now Robespierre ruled all by himself.

To most people, Robespierre is nothing but the bloodthirsty madman who, after having sacrificed all his friends, seemed set to destroy one part of the nation by the other. There he stands, a frightful phenomenon, cold, hard, consistent, not being afraid of any means, surrounded by henchmen in front of an assembly trembling with fear, ruling all France, defying all Europe. He is neither orator nor statesman nor military commander; he has no ability to incite the masses, to inspire the doubtful, to pardon the opponents; he has left no legacy, nobody has ever loved him, few respected him, most hated him, but everybody obeyed him. He is an enigma to all who look at him as an individual in the history of France. But the riddle dissolves as soon as one considers the history of social development in France. . . .

It was Robespierre who for the first time tried to establish real equality by his actions and by the use of state power. For the first time, this principle came to be considered more important than the form of the state. While up to now society had determined the structure of the state, from now on the state was supposed to rule society. Robespierre's life, work and death converge upon the line separating these two principles.

Robespierre, of course, could not possibly have thought of the relationship between state and society in the same terms as we today are able to do. His basic concept is more of an ideal than a logical conclusion; we discover traces of the poetic spirit of Rousseau in the concepts of this exponent of democracy. Let us try to disentangle its essential elements. Even the most abstract concept of equality has to be based on a corresponding phenomenon in society. The question of when people are supposed to be equal had to be answered. It is possible arbitrarily to conceive of the archetype of man as a standard of equality; but arbitrary concepts do not arouse any enthusiasm. In order to pursue such an ideal by tyrannical measures, it had to spring from a determined thought; Rousseau had conceived it and thrown it into the history of France.

He starts from the Supreme. The Eternal Being cannot possibly be evil, nor has it created anything essentially evil. Man is by nature good. . . . The external circumstances, also a creation of God, cannot possibly make man, who is good by nature, wicked and unhappy. What corrupts man is man himself.

If one wants to establish happiness for mankind according to his des-

tiny and the will of God, one has to approach the class closest to the original state of nature and least deprived of nature by external circumstances. The natural man represents the ideal of equality; he is the expression of true humaneness; to return to him is the task of society.

Is this "natural man" completely extinguished among men? Is there no sector of society where the paradise lost has been kept alive? There is. To find it we only have to go back to those members of the human community who have been the least spoiled by the riches and temptations of human society. The natural, the true man, lives in the lowest classes of society; he is the genuine representative of the state of nature. "The people" . . . with their direct and innocent emotions, their natural strength and their natural kindness of heart, are the source of all goodness, the model for society. . . . This interpretation raised the rule of the masses from a mere fact of political life to a moral principle of democracy. . . . All humanity ought to behave as "the people" behaved, any refinement would be dangerous to human nature. "They did not think of instructing, of improving, or of raising the moral standards of the masses; they regarded the masses as the source of justice and power." [Lavallée IV, 165]. And from this it followed that everybody who was not one of "the people" was suspect as its enemy. . . . The new Declaration of Rights—at the beginning of the Constitution of 1793—omitted the important sentence of Article 1 of the Declaration of 1789 that men have "equal rights"; and that "social differences should only be based on general utility"; equality of rights and social differentiation is replaced in Article 1 by the statement that: "the purpose of society is the common good"; and Article 3: "All men are equal by nature and by law." The tremendous difference between these two declarations is clear; they are two completely different ideas of human society and therefore two equally different principles of the form and usage of state power. . . . The time of Robespierre's rule is the only period in the history of Europe during which the radical principle of equality was pursued to the extreme.

If "the people" were the true exponent of unspoiled human reason, it was the task of the state to establish an unrestricted rule of "the people" within the state. A constitution—although important—did not suffice, because it had to endow certain individuals with public authority and place them more or less outside the people's realm. Therefore, it was necessary to keep the people in a state of permanent and vigilant control of political power. Out of this need emerged a principle which is perfectly appropriate and natural to all true democracies. In order to avoid an alienation of the state from the people, the clubs were

developed as an organic part of the state, a watchful guardian of the whole. The clubs were supposed to guarantee that the state never became separated from the rule of the lower classes and could never aim at and pursue an independent goal; through them the state had to be an absolutely obedient servant of "the people," in the new meaning of the word. But this only secured the democratic form of the state. The task of the state went a step further. If only "the people" are good, loyal and truthful, everything has to be brought down to the level of "the people." Equality is no longer equality before the law, but the negation of all social differences. The destruction of everything superior in society is the condition of the rule of "pure democracy," and that has to be done for the sake of the highest principle of the realization of true humaneness which can only be found in the "people."

These are the main ideas on which the rule of Robespierre is based; they gave him the courage to carry out his terrorism; his convictions regarding the genuine kindness of the lower classes provided the bond which tied him so closely to this part of society. In this sense Robespierre is the first true democrat; even though the communists go beyond him, nobody among the democrats has yet reached him. For his principle did not stop with the rule of the people; he desired, at the same time, the destruction of all classes of society who had set themselves apart from the people.

However, for the renunciation of all goods and enjoyments which society offers to the individual, there had to be at least one substitute. This brings us to the point where the higher ethical element of this type of democracy is revealed, an element which accounts for more of its followers than its hard, logical consistency and its terrorism. . . . If that return to the lowest class of the people finally meant the realization of truth and humaneness, God's highest commandment, man would have to find in this fulfillment of his divine aspirations the reward for what he had to sacrifice. The awareness of executing the will of the Deity by renunciation of external goods provided another but greater happiness. This is the source of the powerful concept of "republican virtue," which presented the positive content of the new democracy. The democracy of this period was well aware of the fact that the last stronghold of all positive equality was specifically this virtue; this was the secret power by which democracy during this period attracted the noblest hearts. Even Napoleon was an admirer of Robespierre for a short period! . . . The freedom of the future was transplanted into the inner life of man, in the liberating act of the mind, into the limitations imposed by one's own will. "We want," said Robespierre in a report of February

5th, 1793, "an order of things"—he ought to have said "of society"—"in which all the low and evil emotions are enchained and all the good and generous ones are encouraged by the laws, where the Fatherland assures the well-being of any individual and everyone enjoys prosperity, where distinctions only arise out of equality itself. We want to replace egotism by morality, honor by integrity, practices by principles, customs by duties, the tyranny of fashion by the empire of reason, the scorn of misfortune by the scorn of vices. We want, in a word, to carry out the will of nature, to accomplish the destiny of humanity, keep the promises of philosophy and abolish the long regime of crime and of tyranny." . . . That was the goal by which Robespierre, Couthon, and St. Just, aware of the aimlessness of this movement up till this point, "wanted to establish a purpose of the revolution." And society really bowed to their absolute power. People greeted each other as "Brother" and "Citizen"; they signed themselves, officially as well as privately, with the formula: "*Salut et fraternité*." . . . They searched for the Republic in republican virtues; for a short time these men could maintain the belief that the new society would start with their reign.

But they soon felt that something was opposed to them which they could not conquer because it was somehow intangible. . . . Such an equality was only a deception; it was not a reality; the upper class remained the upper class and the more powerful. This made these men angry, and, as is the rule with abstruse wielders of power, they attacked the consequences instead of the causes. They began a crusade against the upper class of society; they expected that what their principles had failed to accomplish would be performed by the guillotine. The society of France became drenched in blood. Instead of trying to raise the lower classes in order to establish equality and "the common good" of which nobody had a clear conception, they annihilated the upper class. The danger to the country, the proximity of the foreign enemy, the fear of treason were used as pretexts to destroy the upper class without discrimination. The Society of Equals was to be built with the blood of the superior. The super-human principle became inhuman; this was the period of terrorism at its worst.

This movement was bound, of course, to reach a point of reversal. Who was, after all, superior? Who could be sure that he was safe? Where was the dividing line to be drawn? And was it possible that murder raised to a principle could go on? Some energetic men finally summoned up their courage, and Robespierre fell with his followers and his system, a victim of his own law; had they not singled themselves out as the better and more virtuous among equals? . . .

It was not an external enemy that brought Roberpierre to the fall. It was the result of the victory of his opponents among the representatives. . . . The high tide of equality had been broken on an indestructible rock. . . . What power was it which even Roberpierre was unable to master? What was the deadly enemy of positive equality as well as pure democracy?

Indeed, there could be no doubt that this enemy was wealth. The boldest legislation could not secure more than liberty for everybody to develop his abilities; it could not secure more than the acknowledgment of equality amidst existing differences. Equality in the practical world, however, is subject to one conditioning factor. This factor was and remained the amount of property owned. . . .

Nobody had yet grasped the function and the importance of ownership. . . . nor did the Constitution of 1793 take sufficient cognizance of it. Looking backward from the present on these unfinished ideas, the basis of this constitution seems strangely contradictory. It guarantees (Article 2) as natural and inalienable rights, equality, liberty, security and property. It defines the meaning of liberty, security and property, but not that of equality. It sanctifies equality, but, at the same time, without attempting to reconcile the contradiction, it justifies the inescapable consequence of human inequality by glorifying property as a human right. . . . The principle of positive equality was overruled because it was incompatible with property rights. . . . And no sooner had Robespierre been defeated than the property-owning class reappeared on the scene. The revolutionary laws were already repealed in August, 1794; the Jacobins were persecuted by the *Jeunesse Dorée*, their club was shut down; the Gironde was reinstalled and the Faubourgs disarmed; even the royalists turned up again; the well-to-do quarters of Paris united, and reaction became a victory of the property-owning class over the non-owners who later, in the Constitution of 1795, attempted to re-establish their rights. . . .

Thus ended the short period of pure democracy in France, the epoch of Robespierre. Was the principle of equality finally exhausted? Had this been its last appearance? No. There were men with a sense of reality who had perceived that a democracy of virtue is an illusion. Following carefully the course of events, they had learned a lesson. They remained loyal to the idea of equality, but they now saw clearly that equality can never be realized as long as it is applied only to the abstract person and only to the form of the state. During all these years, neither the character of men nor the lot of the people had changed for the better; the explanation appeared to be that the last

stronghold of inequality, the unequal distribution of property, had never been challenged. The realization of this truth was a result which the defeat of pure democracy had brought about. . . . It was the beginning of the victory of social over political ideas, the beginning of the problems with which we are confronted today. . . .

The Forerunners of the Idea of Communism and of Social Democracy

. . . The principle of equality of men in the state of nature—first presented by Hobbes—had been incorporated into a systematic philosophy mainly by Christian Wolff. He had already recognized that this equality . . . had been destroyed by personal property. This was as far as the German philosopher went and from where French philosophy took over.

Those who advocated the principle of absolute equality soon discovered that differentiation of ownership eliminated equality, even though equal share in political power was granted. Even abstract ideas which had developed under feudal conditions, tending toward liberation, came close to this final conclusion. It is of great interest to trace the development of these ideas.

The first group of men who connected causes of dependence with the distribution of goods were men of the legislature and administration, lawyers and officials. . . . Necker, who was foremost among them, stated in his brochure, "Corn Laws and Corn Trade" (Th. 1. c. 25) that the state, unless it is willing to abolish the laws according to which property is distributed, has to assure the people "of the barest necessities which is all that is granted it according to these laws," in order to secure public order. He further showed how "property owners determined wages and food prices in order to retain their power over people without any property." In a similar fashion, Linguet emphasized, in his *Theory of Civil Law*, the great contrast between the two classes of society; he demonstrated that the rule of the property-owning class over the non-owners is secured by law; but he did not know how this could be changed. "Justice is the eternal and the persistent will to grant everybody his due. But the poor have nothing but their poverty. The laws cannot give them anything; rather the laws try to protect those who live in abundance against the attack of the deprived." . . . "The laws are set up by the wealthy who draw the greatest advantages from them. The laws are like a fortress built by the well-to-do who are the only ones in danger." (Book 1 and 5) It is "the nature of society to relieve the wealthy of toil;" however, the

philosopher of law had not explored the possibilities by which this might be changed.

Of equal importance was the appearance of the Physiocrats, with Turgot at the lead. They introduced the concept of a "*classe stérile*," a merely consuming class living at the expense of others. Their theory of a single progressive income tax suggested the levelling of differences in ownership through the power of the state. Other similar notions among economists and political scientists during the 18th century are not difficult to find. They illustrate how the ideas of liberty and equality turn slowly toward the great problem of property and property laws without, however, achieving any positive results. While describing and deploring the contrasts, they are unable to dissolve them.

A second group consists of those which are usually classified as the Utopians. They are distinguishable from the foregoing group inasmuch as they do not consider the factual conditions but construct a community on an arbitrary basis without concerning themselves with the methods of its realization. . . . Their influence has never been, and could not be, of great importance, because they have only created a social fairy tale. All the more important was the impact of the third group, the philosophers proper.

Pascal, the great adversary of the Jesuits, had already stated (Pensées P. 1. Art. 9 § 53) "This dog belongs to me, said these poor children. . . . This is the beginning and the illustration of the usurpation of the whole earth." It was Rousseau who picked out this quotation from the works of this powerful mind and explored its meaning. In his *Discours sur l'égalité*, he states that civilization, with all its inequality and vice, has come into being through the institution of property. "The first one who enclosed a territory stating 'This is mine,' and found people naive enough to accept it was the founder of civil society. How many crimes, wars, murder, how much misery and terror could have been avoided if that man pulling out the stakes and filling up the moats, would have called out to his fellowmen: 'Don't listen to this imposter; you are lost if you forget that the fruits belong to everybody and all and that the land does not belong to anybody.'" . . . Thus Rousseau is confronted with the question of the relationship between the idea of equality and the idea of property. . . . What was more obvious than to negate property if it presented the only source of anything unnatural? But Rousseau foresaw that it is not possible to eliminate property without invoking contradictions; however, he is unable to account for this. The consequence of this

confusion is evident; he had to sacrifice equality to preserve property; his position is basically identical with that of the Constitution of 1791. He demanded the recognition of equality as an absolute principle but added that (*Contrat social* L.II, chp. XI) it should not be absolute. "The supreme good for all is liberty and equality." . . . Concerning equality, the term must not be interpreted as meaning that the amount of property should be absolutely equal, but that nobody should have enough to buy anybody else and nobody so poor as to be forced to sell himself." He added in a note: "If you want to give consistency to the state, eliminate the extremes as far as possible; do not tolerate opulence nor pauperism; these two states are naturally inseparable and they are equally disastrous to the common good; they traffic between them with public liberty; the one buys and the other sells it." All his statements about property and equality are equally inconsequential; he never became aware of the fact that they cancel each other out. . . . Although Rousseau, restrained by the right instinct, never advocated the abolition of property and community ownership, he is the first one to characterize wealth as the enemy of liberty and equality. This is the point at which he paved the way for communism. A similar viewpoint was taken by Helvetius. . . . The only one who came to the conclusion that private property had to be abolished and a community of goods established was Mably. His work *De la législation* (1776) presents the first theory of communism and the only one during the 18th century based on scientific methods. But even here communism is based predominantly on observations rather than ideas, and the work contains more attacks on private property than exploration of its nature. However, he sees clearly that "equality cannot exist in conjunction with private property which is the source of all our social evils (L. I. Ch. III). I am at a loss to explain why property rights have been established. I have only conjectures to offer which do not satisfy me completely." . . . His whole second chapter proceeds to prove that "the inequality of wealth and of conditions decomposes man, as it were," and that "the human race will continue to indulge in vices which are always brought about by inequality. If complete equality is not attained, the spirit of revolt will not be extinguished" and he continues prophetically: "it is only hidden under the ashes and you may expect that it will be kindled again." . . . Mably concludes his first book by attempting to prove that the re-establishment of absolute equality is met by "insurmountable obstacles," the two main unconquerable enemies of equality, the two main pillars of private property being avarice and ambition. From

here he comes to the main subject of his work, in which he does not advocate communism but tries to demonstrate that, "under the prevailing conditions, legislation has to prudently turn all its power against avarice and ambition." . . .

In this fashion, even for the most radical thinkers, the idea of abolishing property is as yet outweighed by the vague notion that such a move would not be advisable. Very few went beyond the limits set by Rousseau and Mably. . . . Several small brochures by Brissot are remarkable through the pungent criticism of property which he calls an "outrage on nature." He states that originally everybody has an equal claim to land, he acknowledges the existing difference between owners and non-owners, and he explains that a thief in the state of nature is the one who has more than he needs, while in a civilized society the thief is the one who steals from the wealthy. [Brissot *"Recherches philosophiques sur le droit de propriété et le vol."* 1780]. . . . It was natural that under the prevailing circumstances of that period the question of property in its relation to equality was raised; but the spirit of the time, even though it had to attack the distribution of property, particularly of land, has never really called into question the institution of property as such. This was left to the following decades. . . . The Convention of 1793 represents mainly the ideas of Mably and Rousseau; it attempts to abolish too great differences in property, and yet it attempts to sanctify property as such. . . . To establish happiness is the task of the state; . . . Robespierre states in the Report of the Committee of Public Welfare: "Opulence is the way of life of a rather large number of people who are enemies of the Revolution. The needs of the working population make it dependent upon its enemies; let us not tolerate that there is anyone unhappy or poor in this country—happiness is a new idea in Europe." And the Convention decreed: "All the communities of the Republic shall set up a roster of indigent residents. The Committee shall make a report about the means available to compensate all these unfortunates with the goods of the enemy of the Revolution." This was still merely an application of the principle established by the Committee of Public Welfare: "The way of strengthening the Revolution is to make it work for the benefit of those who support it and for the ruin of those who fight it." It was anything but communism. Even Condorcet, who went farthest in the direction of communism, favored only the use of ordinary means of public power as a means of levelling the differences in possessions, but certainly not the abolition of property. His *Tableau des progrès des connaissances humaines*

express most distinctly the hazy viewpoint of that time and of the means which were considered useful for a reconciliation of property and equality, namely, making everybody a property owner. "The existing inequality, which is almost exclusively a result of the imperfection of social institutions, must be lessened continuously to give way to factual equality, the final end of social action." . . . After the basis for political freedom has been established, Condorcet next desires to secure civil liberties. He suggests the abolition of inheritance rights and the provision of means for the greatest possible personal development . . . by free and equal public education toward "real equality among all citizens." He demands, therefore, like Rousseau, Mably, and Helvetius, not a community of possessions, nor a complete equality of property, but rather the use of state authority to conquer misery and to put into practice step by step the greatest possible real equality. . . . He is the most doctrinaire representative of the social idea, to the extent that this idea is distinguishable from the political struggle at that time . . . Attention of the popular leaders was called to the fact that political institutions alone were insufficient to cope with the two great concepts of the time—liberty and equality. The sphere where the eternal inequality of man manifests itself, the sphere of property rights, had been discovered in its significance with regard to the idea of equality; one had raised the question whether property was justified and had given the state authority over this right; one had asserted that factual equality could be attained only by a redistribution of goods. One had confiscated without compensation, redistributed or sold the land of the nobility and the clergy; one had attacked property for the benefit of society; one had called for progressive taxation and therewith also threatened movable acquired property, the latter also for the benefit of the Republic. At the same time, one identified the greatest common good with the realization of equality and liberty, well aware that this implied a redistribution of property. After all this, how could one avoid reaching the conclusion that the goal could only be attained by the complete abolition of differences in property ownership and that the state was not only entitled but committed to carry out the abolition of private property?

It is obvious that here the idea of collective ownership had been developed on the philosophical as well as the administrative level as never before. And one almost wonders why common sense has delayed the proclamation of the abolition of private property for so long. In any case, the climate of opinion was such that the last step towards absolute and positive equality was inevitable. Only a

slight incident was necessary to let the Revolution take its full course.

Robespierre fell, and with him fell the representative of the hopes of the people; the Jacobins and the Faubourgs were suppressed; the conservative sections of Paris ruled again; poverty and the working class were derided; the *jeunesse dorée* dominated even the streets. The Constitution of 1793 was abolished. Reaction raged as blindly as the masses had done before. Once more the masses rebelled, but the uprising of May 1795 was suppressed by arms, and the political role of the Faubourgs was annihilated.

Who was it, then, who ruled? Who was causing the suffering of the working class, the people? There could be no doubt that, with the fall of Robespierre, reaction of the owners against the non-owners had become more conspicuous from day to day. The new *Directoire*, in all its insignificance, was only the beginning of what the remaining friends of liberty had foreseen; any new revolt or a renewed terrorism would only lead to a second Thermidor, unless the foes of liberty were attacked at their very roots. He who wanted the destruction of the newly emerging bourgeois society had not spotted his adversary, personal property. The negation of the ancient privileges necessarily led to the negation of private property, and thus to the idea of a society of positive equality. Or another possibility was to submit to the laws which the new society began to adopt, irrespective of the Revolution.

The second alternative was unacceptable to those supporting the Revolution. Nothing remained but a desperate attack on private property as such, the natural final course of the deeper elements in the preceding struggle. This became the last phase of the revolutionary development. . . . The equality of communism is the natural outgrowth of the French Revolution, as well as of all other revolutions based on the concept of equality.

Babeuf and the First Manifestation of Communism

. . . When terrorism finally ended in the blood bath of its own making, with Robespierre . . . being scoffed at and cursed by the same people who had glorified him only a few days earlier, many people thought that this really meant the end of the Revolution. They hoped for a final and stable order even at the price of a bloody reaction. However, the power which had ruled society lately was, though broken, not yet destroyed. The first revolt against the new command which had risen from the ashes of terrorism broke out on May 20th, 1795. But the people, having lost their best leaders and being abandoned

by many of their partisans, were soon completely defeated. . . . The last representatives of the revolutionary principle who survived were either killed or fled, or were dragged into prison. Popular sovereignty ("pure democracy") was a lost cause. . . .

In the stillness of prison, however, a new form of life began. Supporters of the common cause, living together, began to exchange their views and to develop their rigid principles into formal systems. They attempted to clarify what they really wanted; while public authority assumed that it had subdued its enemies, they found in prison a new incentive for a last and systematically conceived attempt to establish the principle of the Revolution, which was "equality." It was here and now for the first time in French history that the basic difference became clear between the two movements which had grown out of the same principle and of which, up to now, only one had come to power. . . . These two movements were the democratic and the communist movement. No matter how close the two were in principle, they led to quite different consequences.

In the revolt of May 20th, all parties had fought for one common purpose: the acceptance and the implementation of the Constitution of 1793. As the leaders of those parties now in jail were reconsidering the situation, the question was raised whether their supreme goal of achieving complete "equality" was really guaranteed by this Constitution. The divergence of the answers will be easily comprehensible.

To those who adhere to the idea of political democracy, the form of the state is of supreme importance; they believe that equality is established by the assurance of political equality. They are indifferent to society, because they hold the opinion that the principle of liberty realized by the state constitution will generate and preserve the principle of liberty in society. The communistic-egalitarian view, on the other hand, assumes that society determines the form of the state . . . and that in order to secure political equality, social equality has first to be firmly established; the basis of this view is the negation of property. To the democrats the Constitution of 1793 was the terminal point, while those who were more radical wanted to use it to establish an egalitarian order of society. . . . These two groups, which differed with reference to the principle of equality, were distinctly separated in the beginning. . . . But the split could not last long; both parties were too much dependent upon each other, and, once released from prison, their members began, though reluctantly, to approach each other. It needed but one man who, by the power of

his personality, was able to unite and inspire them to a common victory. This man was Babeuf.

We know nothing about Babeuf except for Buonarrotti's long forgotten book which has now become famous (*Conspiration pour l'Égalité dite de Babeuf*. . . . par Ph. Buonarrotti, Bruxelles, 1828. We owe all information about the conspiracy of Babeuf to this book, written twenty years later during the Restoration. It is the best work as a description of . . . communism during this period.). . . . After the fall of Robespierre, Babeuf first aligned himself with the victors; for unknown reasons he later went over to the opposition and was arrested. . . . During his stay in prison, his hatred against the enemies of Robespierre who obviously had mistreated him grew. He allied himself with several of the most radical republicans and embraced the idea of a conspiracy in order to establish absolute equality. After his release he became, due to his keenness and his versatility, the center of the new alliance. Babeuf was decidedly a bold and ingenious, but also a very ambitious, man. He was the first who understood the weakness of political democracy at a time when the masses began to grasp that they could gain very little by political liberty alone. But the Constitution of 1795 satisfied him as little as it satisfied the people, because it robbed . . . the absolute-democratic element of all hope of ever establishing a new ochlocracy. He therefore vowed to destroy it. This united him with the republicans proper. At the same time, he was audacious enough to acknowledge and spell out the final consequence of the egalitarian principle: complete equality of possessions and abolition of all private property. He thus became the main exponent of the ideas with which the masses were preoccupied. . . . Toward the end of 1795, after the new constitution had dashed all the hopes of the ochlocrats, he rallied a small group of like-minded persons and began to lecture and discuss the true principle of society. He quickly gained an increasing number of followers; in a short time they numbered about two thousand, and a society was formed under the name of "*Société du Panthéon*." This society used to hold its meetings in the neighborhood of the Panthéon, along the line which divided the Parisian bourgeoisie from the people, the suburbs of the south and the east. According to the customs of his generation, Babeuf adopted a name from Roman history, . . . calling himself Gracchus, and began to publish a periodical with the significant title "*Le Tribun du peuple*." It is easy to guess what the members of this club thought and wanted; its secret name was "the Society of Equals," and the

Le Tribun du peuple gave it an aggressive twist. Justice and law, constitution and society, state and property were attacked in the name of equality. With unscrupulous fury, the masses were urged to remember what they had lost and to consider what they might gain; the benefits enjoyed by the propertied classes were contrasted with the advantages of communal property, emphasizing the righteousness of the idea of equality. This was done in such a way as to arouse desperate revolutionary passions among the people. The people were challenged to live up to the legacy of Robespierre . . . The club grew more powerful from day to day. The people, overwrought, were inclined towards a frightful course of action.

The growing danger could not have escaped the attention of the Directory. The police searched for Babeuf; however, he succeeded in hiding and remained at the helm of the club and of the journal. The Directory now took more drastic measures. The *Société du Panthéon* was closed and membership proclaimed illegal, after the society had dared to publicly defend Babeuf and his principles. Even this might have been of no avail if another factor had not come into play. In the public meetings of the society, the number of voices which in crucial points deviated from Babeuf's egalitarianism grew, although all accepted the principle of absolute equality. Babeuf knew full well that skepticism within his party was his most deadly enemy and that the success of a revolutionary act depended on complete agreement. He therefore welcomed the suppression of the society and its public discussions, which he was unable to control, because it was impossible for him to speak altogether frankly. Perhaps the society could have continued to operate underground, but Babeuf preferred to abandon it altogether. The most determined representative of the principle of equality was, at the same time, the unrestricted ruler of his followers, and at no price was he willing to renounce his position. Only now—after all other organization of the revolutionary movement had ceased to exist—did it become possible for him to take the unchallenged lead to which he had aspired. The *Société du Panthéon*, therefore, terminated its sessions first temporarily, then permanently. Babeuf was now the supreme ruler of his party.

A decisive step towards his goal was thus accomplished. "*Le Tribun du peuple*" continued to be published; it had now become his mouthpiece. To the masses he was a martyr for their holy cause, and his doctrines were accepted on the sole basis of his prestige. But there remained two more difficult steps to be taken. . . . Babeuf had to establish a Central Committee which could decide on doctrinal ques-

tions as well as on a course of action. He called upon the most determined members of his party, who established themselves as "the Secret and permanent Directory," and tried to convert and organize the masses. Next to Babeuf, the main leaders were Darthé, Maréchal, and Buonarrotti; they succeeded beyond their own expectations. The masses were ready to believe and to act. The Directory defined the role of the masses as that of the "insurrectional power of the people." Now there remained just one more step to be taken.

In addition to the actual rabble and to the pure egalitarians, the opposition consisted further of the radical Republicans, the remnants of the Montagnards, once the mainstay of Robespierre. There were some points of contact between the egalitarians and the Montagnards, but no real cooperation. Therefore, it was impossible for the egalitarians to bypass the Montagnards, and it was equally impossible to oppose them. . . . A way toward consolidation had to be found. . . . The communists had spread slowly over all parts of Paris. The Directory took all necessary measures to allow the local members to participate in shaping and directing future actions. Ninety members of all sections were chosen as representatives of the Departments. They formed the secret National Assembly. The Republicans had constituted themselves in a similar fashion, also under a leading committee. The confession of Buonarrotti to the effect that the committees of the two parties were decidedly on bad terms with each other is of particular interest; but circumstances pressed, and Babeuf arranged a common meeting . . . which ended with the fusion of both parties into one large corporation. The Republicans, with about sixty members of the National Convention, joined with the ninety communist representatives, entrusting themselves to the greater power. The preceding discussions had provided the occasion for Babeuf to present his ideas systematically. Buonarrotti has reported on them and their ultimate consequences in detail. It is difficult to judge, however, how much Buonarrotti has added of his own thoughts after speculating on the subject for thirty more years; there is no doubt that the clarity and assurance on the question at hand which Buonarrotti shows had not yet been attained at the time of the fusion. The main points and principles, on the other hand, must have been laid down at the time in a way similar to that which Buonarrotti describes. Here is the first document of a communistic system to be put into practice. It was the final consequence of the principle of equality.

The first question raised between the democrats and the egalitarians (they did not yet call themselves "communists") concerned the Con-

stitution of 1793. The egalitarians appreciated its value but only as a road to equality. They saw its main mistake "in the articles of the declaration of rights which by defining the right to property sanctioned it in all its frightening scope." The *"Comité des Egaux"* stated its own principles in criticism of that Constitution. According to this principle, inequality is the cause of the eternal and absolute misfortune of men. The source of this inequality are property rights. . . . No half-measure is of any help against this basic evil; even progressive taxes are not sufficient. Only the community of goods and of work can be the true goal of mankind, and only such a community will guarantee a perfect society.

Some of the democrats appear to have been won over to this principle; others must have raised serious opposition, since Buonarrotti relates that agreement between the two groups was finally accomplished by agreeing on the following two premises: first, that the Constitution of 1793 was acceptable, and second, that "true equality was to be worked for as the distant goal for which one should strive." The republicans accepted these premises, but they were decidedly in the minority, as is shown by the decrees of the egalitarians, who now began to develop a minute system of true communism.

The principle of absolute equality requires first of all the abolition of all property and equal distribution of all goods. "Ownership of all commodities is indivisible, it belongs to the people." At the same time, the principle of the common good has to be upheld. Therefore, the community accepts the principle of the "right of everybody to a happy life", to realize that it specifies work as a general obligation for everybody. If work and happiness are considered to be inseparable, it is inevitable that the decision to work is no longer left to the individual. Work will be regulated by law, which—in order not to endanger the general happiness—should guarantee that "labor never degenerate into fatigue", but "that everybody be encouraged to it by habit, by devotion to his country, by pleasure and by the approval of public opinion." The sciences are called upon to cooperate toward that goal, and all citizens are called upon to participate in turn in disagreeable jobs that have to be done. On the other hand, complete equality in consumption ought to be secured, and everybody should be entitled to everything. Universal work is apt to produce universal abundance. The basis of all wealth is the exploitation of the soil. The political administration determines the total produce of each district to secure the correct use of the land. The adversity of work, however, requires—and this in the midst of absolute equality!—an arrangement of the citizens into classes, each of which is assigned by law to a

particular type of work according to the supreme principle of equality. . . . On the other hand, there is a fear of equality exactly because of abundance, the very abundance which the system is expected to provide. Although the citizens shall be well off, they shall all live and dress simply and uniformly. Why have different colors of clothes or different furniture? Why have a well tailored dress for one and a shabby one for another? . . . "It is essential for the happiness of all individuals that the citizen never experiences the slightest degree of, even apparent superiority." Here communism is already lost in the particulars of clothing regulations. Even with this complete process of levelling all differences there was one serious danger for absolute equality, namely, the difference in mental ability which manifests itself in the arts and sciences. Here also radical measures were proposed. It is true that "some arts are indispensable for the happiness of society," but shall one "let the human mind roam in the vast areas of imagination without leaders and without restraint under the pretext of refinement and improvement? Shall one tolerate that a world of artificial wants, inequalities, quarrels and wrong concepts of happiness is instilled into society?" Certainly not. Says Buonarrotti: "Our committee had unanimously consented that works of art and artisans had to be of such kind that they could be easily communicated to everybody." "Convinced that nothing is less important to a nation than to be conspicuous and famous they wanted to do away with every pseudo-scientific pretext for withdrawing from common obligations and for providing a different happiness to the individual than the one of society. They were determined to abolish all basic discussions right from the beginning and were convinced that as soon as it became obvious that no special compensation would be available the mania for displaying aestheticism and for writing books would abate". In this way the all powerful committee imposed its control also upon science. And lest the unalterable nature of things would reassert the dreaded inequality in the children, education, of course, was under no condition permitted to be left in private hands. Only the state was to have the right to educate the children. "The more domestic education there was the greater would paternal power become." All children will be placed in a huge institution, and here, without regard to intellectual qualifications, all will receive a simple and absolutely equal education. But what will happen if later the indestructible difference would appear anew, for instance in the press? Here was a new danger which the Committee had to acknowledge. To prevent the eternal living spirit from reasserting itself and shaking off the fetters hampering it, restrictions had to be imposed. The idea of abstract freedom thus led to the establishment of the most rigid censor-

ship. The whole press was to be kept within the narrow limits of republican principles; any violation was to be severely punished. Indeed, we are overcome with dread while reviewing these ideas. "Nobody is allowed to utter opinions which contradict the principle of equality, no pamphlet whatsoever is permitted to publish a report on a discovery, nothing is allowed to be printed and distributed unless it is officially approved as being favorable to the Republic." . . . Can the human race, under the rule of the most terrible despotism, possibly be more deprived than by what the idea of equality threatens to realize? . . .

As one reconsiders the principles presented by early communism, it becomes clear that it is definitely opposed to all previous conditions but that it has nothing to offer beyond this negativism. The tyranny of equality attains nothing except the complete elimination of everything which may threaten equality. The true character of communism is already apparent from the beginning: it is the negation of the social order based on the inequality of property. This was true for communism in 1795, and it is still true today.

But even the early communism of that period could not possibly be satisfied with negative criticism alone. It was all right to use such formulas as "abundance," "general welfare," "community work," etc.; some new social order had to be constructed which might be able to produce the necessary conditions for the achievement of general happiness. . . . Whenever the adherents of the idea of equality should gain power, they would have to create a positive basis for the new socio-economic order. Communists rarely have an opportunity which forces them to do so. Therefore, many people think that communism does not have any constructive concepts, but this is not necessarily the case. . . .

The inescapable contradiction inherent in communism will necessarily lead to its dissolution. This can be predicted on the basis of the following analysis:

Property is not an inherent necessity of human society, but society cannot exist without goods. The satisfaction of needs makes survival possible, and goods alone accomplish this. However, the availability of goods is not enough; they have to be distributed to the individuals living in society. Everything depends upon this distribution. Since the personal life of the individual depends upon the share of goods he receives, since he is either rich, well educated and influential, or poor, frustrated and deprived, depending upon whether he receives many or few goods, his freedom is dependent upon the power which determines the distribution of goods.

In feudal society, privileges were the determining factor for the dis-

tribution of goods; in bourgeois society, it is the invested capital; both lead to inequality, even if there originally existed no property. Communism, having eliminated the latter, is confronted with the question of how to preserve equality in its system of distribution, even if property has been abolished. There are two possible ways of doing this: One may use labor as the basis of distribution, so that the amount and quality of work determines the share to be allowed. (Later we will see that this is the principle of distribution favored by socialism.) Even Babeuf acknowledges the fact that labor is a factor of differentiation. A distribution of goods based on labor is necessarily unequal. This is precisely the kind of difference which had been eliminated by the abolition of property, and which therefore should not be re-established through income. What was one to do? It would be necessary to adopt the other alternative and assign the distribution of goods to public authority. The right of the state to distribute goods is a specific characteristic of communism, which distinguishes it from socialism. The feasibility of communism depends upon whether or not the ideas of freedom and equality can be safeguarded in a society where the distribution of goods—and consequently also the correlated distribution of labor—is carried out by public authority. It immediately becomes evident that the opposite, namely an unlimited despotism of those in power, is inevitable under communism. This does not yet doom communism to failure. Three basic rules for any communistic society are necessary to give public authority the monopoly of the distribution of goods: All private exchange among members of the communistic community has to be abolished; . . . all products have to be delivered to a public warehouse in order to separate the individual from the product of his labor; and each individual's share of the goods produced must be obtained exclusively from these warehouses by public authorization. These are the necessary prerequisites of a communistic economic order. The fourth rule, the compulsion to work in order to increase the amount of goods to be distributed, is a consequence of the demand for affluence. It may be emphasized or omitted, depending on what type of communism is desired, one of wealth or one of poverty. . . .

Obviously, the distribution of goods which has just been described refers to the form of distribution only; the essential question pertains to the principle according to which this distribution is to be carried out. The answer already conceived by Babeuf is: that everybody shall receive according to his needs. The decision as to how large this need is can obviously not be left to the individual; it will have to be made by public authority in charge of distribution. This authority will have the

power over everything that possessions can do for men. It will take the place of property, and the recipients of goods will be dependent on the power of individuals instead of on the eternal and unchangeable laws of economic relations. The relationship which at present exists, often enough on a small scale, and in accordance with which the distributor of wages is also the superior of the wage earner, will be made into a general principle of the whole communistic social order. Whoever does not admit that this dependence of the consumer upon the distributor leads to complete despotism of the latter over the former and therewith to a complete destruction of all personal freedom, is either totally ignorant or altogether insincere. And yet communism claims to be the realization of freedom.

Let us also consider another approach, according to which the needs of all individuals are equal, so that the distributing authority hands out completely equal shares and is deprived of the power of arbitrary decision through distribution. Even assuming that wants are equal, it is doubtlessly true that man can control his needs and therefore restrict himself. He who receives more than he consumes must appear to be superior to the one who has more needs than he is able to satisfy, although both receive equal shares—especially since physical needs, as well as bodily strength, are unequal to begin with. Equal distribution, therefore, leads—in view of the different needs—directly and inevitably to inequality. And yet equality has been the guiding principle. . . . Even the most radical communistic system can attain neither freedom nor equality when it tries to apply its principles in practice.

The early representatives of pure communism did as yet not visualize these consequences. They considered their mission accomplished by the attack on personal property. They took, however, one further step by devising the first system of positive communism, and this system is in some respects of great historical importance. For the first time, we discover the blueprint for the organization of the national labor force, even though only in a formal sense; there is no reference made as yet to a classification of types of labor or the conflicting interest of capital and labor; secondly, we see the principle of the restriction of wants established as the basis for the economic order; and finally, we see the despotism of public authority established over the workers with reference to their labor.

At the same time, this system is important, because it places work in the center of the whole economy and indicates the road for later socialist systems. Lacking any concept of capital and its importance—an importance upon which the whole social life of the following historic

period rested—early communism could not have gained a deeper insight into the significance of labor problems. Instinctively it had put its finger on a problem which gained great importance in the future. . . .

. . . It is unlikely that the Republicans supported the principle of absolute equality. Furthermore, the blueprint for a communist society was by no means complete. But it remains, in spite of its inner weaknesses, an important historical document of social conditions of that time. In spite of the emphasis on a complete community of goods, we do not find a trace of either national workshops or nationalized industries. Babeuf's communism is definitely an agrarian communism. It is further evident that—while the question of the distribution of goods is treated in great detail—the problem of labor is cut short, and this in spite of the fact that Babeuf's type of communism derived its main support from the lowest, propertyless class of society. The neglect of this problem was only possible because there was as yet no proletariat, properly speaking—although there were enough non-owners—with definite demands as to the distribution of profit between labor and capital. The great difference between this early form of communism and its later manifestations is not one of principle but of differences in the social order. . . .

It is evident that what we call industry today did not exist at that time, and therefore was not considered by Babeuf's type of communism. Instead of "fraternities" and "national workshops," the economy of early communism was concerned with war and agriculture. Babeuf's doctrine is one of Spartan virtues. If he had grown up in the period of large scale industrial enterprises, he probably would have developed a different theory of labor. However, the striking fact is that in Babeuf's theory the idea of equality reached its extreme in the demand for the abolition of private property. The first great cycle was thereby completed. The greatest enemy of equality had been located, and for the first time the organizational principle of all forms of communism—distribution of goods according to needs by public authority—had been formulated. Irrespective of whether Babeuf was to succeed or to fail, it was through him that the basic idea of the whole Revolution was confronted with its final task.

In spite of the apparent scope of the conspiracy, its strength and chance to success were very limited. It was too easy to detect the conspirators and their plans, and one needed only to know them in order to get them out of the way. One single serious attack of public power sufficed, and the communism of the first Revolution disappeared for more than a generation from the history of French society.

The Fall of the Alliance

When the Committee of the New Revolution believed that it had worked out its principles satisfactorily, and when the alliance with the Montagnards—or “pure democrats”—seemed to be sufficiently stable, its next goal was to gain the support of the masses for the insurrection. It therefore became necessary to present these principles to the public. This created difficulties which were likely to raise doubts among the leaders. Sylvain Maréchal wrote a “Manifesto of Equals” which the communists wanted to submit to the Democratic Committee for acceptance as a program for the insurrection. This manifesto was nothing but a simple summary of communistic principles concerning private property. It did not contain anything beyond that. There was no mention of political conditions, of a constitution, of government; government was condemned as such, even the Constitution of 1793 was rejected by implication as being detrimental to the happiness of men. . . . This manifesto was unacceptable to the Democrats; they knew that it could not possibly gain public support and that the pure Republicans would be repelled by it. Babeuf, who considered it his mission to unite democratic and communist elements and whose name was already well known to the people, drafted a new manifesto intended to satisfy both factions. This “analysis of the doctrine of Babeuf” was actively discussed and finally accepted. It is reprinted here unabridged, since it was widely read at the time and because it presents the point of agreement between the Democrats and Communists:

1) Analysis of the doctrine by Babeuf

Article 1: Nature has given everybody an equal claim to the enjoyment of all goods.

Article 2: It is the purpose of society to defend this natural equality, often threatened by the strong and the wicked, and to increase the common enjoyment through concerted effort.

Article 3: Everybody is obliged by nature to work, nobody can avoid labor without committing a crime.

Article 4: Work and enjoyment must be shared.

Article 5: Suppression exists if one person is overworked and lacking in everything while others indulge in luxury without doing anything.

Article 6: Nobody has ever appropriated the products of the soil or of industry without committing a crime.

Article 7: In a true society there should be neither poor nor rich.

Article 8: Wealthy people who are unwilling to forsake abundance in favor of the needy are enemies of the people.

Article 9: Nobody is entitled, by accumulating all requisite means, to deprive another person of education indispensable for his happiness. There ought to be a common education.

Article 10: The purpose of the Revolution is the abolition of inequality and the establishment of general happiness.

Article 11: The Revolution is not completed, because the rich devour all goods and rule alone and the poor work like real slaves, languish in misery and play no part in politics.

Article 12: The Constitution of 1793 is the true law of France because the people have accepted it solemnly; because the Convention had no right to change it, because in order to do so, it has massacred the people who wanted the constitutional law to be carried out, because the Convention has persecuted and murdered the deputies who defended it loyally, because fear of the people and the influence of emigrants played a decisive role in the draft and alleged ratification of the Constitution of 1795, which did not get one-fourth of the support that the Constitution of 1793 did; because the Constitution of 1793 has upheld the inalienable rights of man: to have a voice in the legislative process, to exercise his civil rights, to assemble, to demand what he considers appropriate, to be informed and not to starve—all rights which the counter-revolutionary act of the government of 1795 has publicly and thoroughly violated.

Article 13: Every citizen is obliged by the Constitution of 1793 to re-establish and defend the will and the happiness of the people.

Article 14: All authority based on the Constitution of 1795 is illegal and counter-revolutionary.

Article 15: All those who have violated the Constitution of 1793 are guilty of the crime of offending the people.

This manifesto, distributed in Paris in April, 1796, read by the people everywhere with great curiosity and fear, created a sensation; opponents began to fear a revolt; anxieties on one side and hopes on the other developed anew. . . . Everybody knew that the Directory in its secret sessions had gone much farther than was publicly admitted. Everybody felt that his own way of life and the basis of his social and political existence were threatened; but nobody knew how to ward off the approaching and growing danger. . . . The time of terrorism was still too recent to be disregarded. The Directory took notice of the situation and mustered all available forces. The whole city was agitated. The conspirators continued to work in secret. Babeuf hid at a safe place; the

meetings taking place in those dark streets of the Faubourg St Antoine and St. Marceau remained undiscovered; the number of supporters—according to Buonarrotti—was estimated at about 16,000. . . . On the 8th of May, the revolutionary committee of the Montagnards solemnly renewed its pledge of loyalty to Babeuf's communist party; the two main elements of the insurrection were united, and victory for the most terrible revolution seemed certain. At this moment, the conspiracy met the fate of many similar organizations; it was betrayed. . . . Barras had offered his services as a secret agent. . . . He was successful. On May 10th, the main leaders got together to determine the day for the revolution. . . . They neglected to take extreme precautionary measures; the police succeeded in arresting sixty-five of the leaders, in seizing the most important documents, and in leaving the alliance without leadership and counsel. The members dispersed, courage and unity were gone, and the cause of communism was hopelessly lost with the fall of Babeuf. The Directory displayed determination and care. It did not want to deny to the conspirators a regular judicial procedure, although the documents gave a clear enough testimony. . . .

The details of the proceedings are of no importance here. Originally, the conspirators were willing to confess and claimed to have a legal case; later they attempted to present the whole plot as merely an abortive attempt. But this was in vain. They did not command any moral support, they had no satisfactory explanation, and could not deny the facts. The judges punished them for their bloodthirsty plans by a relatively mild sentence, considering the customs of the time and the dangers which the plot presented. Of the 65 defendants, only Babeuf and Darthé received death sentences; seven others, Buonarrotti among them, were deported; all others were set free. . . .

Another act of the tragedy of the Revolution came to a close, to make room for a figure who soon would drown republicanism, love of liberty, communism and ochlocracy in the one great wave of the glory of his victories.

THE TRANSITION TO THE NEW PRINCIPLES OF SOCIETY

French Society after the Reign of Terror and the Constitution of 1795.

Our history of communism has to a certain extent run ahead of the sequence of events. The conspiracy of Babeuf was opposed to the

Directory and the Constitution of 1795. But since this conspiracy represents, above all, the ultimate consequence of the principle which until now had dominated the Revolution, we have discussed it in conjunction with the period of terrorism to which it essentially belongs. We have seen that it had no genuine appeal to the people, it was not capable even of staging a revolt. It was condemned to impotence not so much by its inner contradiction but by the much more powerful fact that French society did not as yet provide a fertile soil for such a doctrine. Changes in a constitution can be made in a single day; changes in society require generations. The newly established society of France had not yet moved beyond the sphere of the general law which had been established in 1789; the doctrines had not yet affected individual life. This development is part of the history of the following period.

We now turn back to the analysis of French society at the end of the reign of terror.

The laws of the Constituent Assembly had established the principle of complete legal equality with respect to acquisition and property. This had become an accepted fact in the life of the people; on account of this principle they had been willing to endure even terrorism. For one moment all persons were aligned side by side as equals. The thorough destruction of all status distinctions, as well as of all privileges of property, had erased all differences. The fall of the party of Robespierre had not affected these principles in the least; . . . the 9th Thermidor had been directed against the misuse of this principle but not against the principle itself. And yet we discover that at this moment a great change takes place, affecting the whole life of the French people. . . . The violent storm is followed by calm. Slowly the law and the administration get organized; a certain stability, so far unknown, replaces the revolutionary unrest; a new Constitution is adopted; a new, not particularly outstanding power takes over the government. The recent years, barely passed, seem to recede into the distant past. Things start to move again as if by themselves, just as before the Revolution; they gain stability on the basis of the new principle, which so far had not been able to achieve anything whether reasonable or unreasonable. This calm is not a result of lack of strength: France fights foreign powers with the same energy, and the government is just as strong at home as it had been during the Revolution. Such conditions require an explanation.

The explanation points to the fact dominating the whole period, namely, that the old society of France had been completely dissolved, but a new one had not as yet taken its place. . . . No period in the history of a nation can demonstrate better the absolute necessity of social order for

the life of the nations and the states than that in which social order is absent. This is always the case after a great and successful revolution. If a nation could exist without an ordered system of society, this condition would become permanent. However, at this point the same phenomenon always reappears. As soon as an old social order is destroyed, people make every effort to lay the foundation for a new one. It is so indispensable a condition for human existence that the nobler impulses of the people relegate the demands of the state into the background in order to devote themselves to the rebuilding of society. They are instinctively aware that society—although not the absolute prerequisite for the idea of the state—is indeed the absolute prerequisite for state constitution. During these periods the life of the nation seems almost to have ceased, because all activities are concentrated in the sphere of individual life; therefore, dreariness in public life prevails, mediocrity rules, and any kind of administration is tolerated because one knows that the yet unfinished order of society has to be fully established in order to give direction to the state and form to its power. In such a period the revolutionary states are most vulnerable to foreign aggression. If this period passes without disturbance, the new society will be strong enough to take care of its own future, the danger from outside interference disappears, and the only source of its destruction then rests with its own composite parts.

Such conditions prevailed after the fall of Robespierre. The years from 1795 to 1798 will always remain unexplained periods in the history of France unless one sees them in terms of the nature and dynamics of society. There was, at this time, great poverty in France: in the midst of the country where the happiness of the people had been established as the principle of the constitution and of the administration, famine and despair threatened the cities and the countryside. Comfort had disappeared, and if there was any wealth it was not visible. Industries were laid low; the worker had nothing to eat because he had no work. Those who were better off discovered that they were threatened more by the despair of the propertyless than by the armies of the enemies. Was there no way of avoiding a second reign of terror?

There was—but only one: to give the people, by means of social changes, what they had tried in vain to gain by governmental authority—namely, work and bread. The road to this goal was clear enough. More than half of France was lying waste, practically without proprietor. . . . In order to improve conditions it was necessary to let the rich resources which had been made available through the redistribution of land be used by the working population. This was the price to be paid for well-

being and order; at this price, general well-being could certainly be established.

Why had the French people not started earlier to utilize these possessions taken away from the nobility and the church, although the high prices of agricultural products threatened the welfare of the country as well as the well-being of all individual entrepreneurs?

The whole movement of the French Revolution appears in a new light as soon as this question is raised. The labor of the farmer does not yield immediate gain as does that of the manual worker; agricultural produce requires time to bloom, and to ripen, and every harvest represents a year's period in the farmer's life. Successful farming is therefore only possible if security of land-ownership corresponds to the time-consuming labor which farming demands. Security of property rights is as important as is property itself, which remains useless without it. . . . The former owners were still living in the country, and there was no certainty that, with a sudden change of political circumstances, they might not lay claim to their former property, which others had bought with assignats. Therefore, the soil was not well cultivated, and the assignats remained valueless. . . . The salvation of the state and of the people required that any doubt concerning the finality of the redistribution of land be eliminated. To accomplish this, all those who pretended to have any present or future claims to these estates on the basis of the legal rules of the old society had to be literally annihilated; they were those who in one way or another were attached to the old society. The misery of the people, therefore, put political power consistently into the hands of those who did not hesitate to obliterate the remnants of the old regime. They were the representatives of the idea of absolute equality. We have described their role in the area of the history of ideas. Their mission in the area of practical social life was to guarantee the security of the new land distribution through the annihilation of the former proprietors, in order to make the cultivation of the newly acquired farms economically possible and to establish a new basis for the new acquisition of property through labor and capital. This notion transpires in several sources, especially the reports of the Committee of Welfare. The Convention tolerated terrorism, which not only saved the Republic from foreign enemies but also finally established the new system of land distribution; . . . the same Convention condemned terrorism and its adherents as soon as it began to fear that it threatened the possessions of the new owners as well and that the return to normalcy was endangered by the constant threat to those who were better off. This caused the fall of Robespierre; after his fall the new economy developed. It could not have grown without ter-

rorism, but neither would its growth have been possible if terrorism had continued. Those who know the tremendous influence exerted by landed property on society will understand that the practical importance of terrorism for the domestic life of France lay in safeguarding the new system of land-distribution as a permanent institution. With the end of terrorism, the property owners demanded above all that public authority should protect work and the utilization of the newly acquired property. It is curious that the same Convention which first abandoned the Girondists to allow terrorism to take its course later put an end to terrorism in order to introduce the Directory. During the period between September, 1792, when they first convened, until October, 1795, when they dispersed, the Convention consisted of the same deputies. But conditions turned out to be more powerful than men. It was the task of the Convention to prepare the new society, and this it had carried out. The history of the Convention consists of three stages. During the first six months of its existence it witnessed the fall of the monarchy and the Girondists. From May, 1793 to July, 1794 it supported the reign of terror. Until then the Convention was a powerless tool of its leaders. It might have been expected that when all those who had had a reputation and power in the Convention had perished, the rest of the Assembly would be an indecisive mass of people. However, instead of a group of representatives without leader and easily swayed by every change, we see a Convention which formulated its goals correctly, clearly and steadfastly, and which opposed the revolt of pure democracy on May 20th, 1795 with fearless energy worthy of the greatest acts of the original Constituent Assembly, which with the same energy, on the 13th *Vendémiaire*, contained royalism by its military power. We see a Convention which, after the fall of the terrorists, allowed a certain latitude to reactionary forces to make the re-appearance of conditions favoring absolute equality impossible by annihilating its main representatives, but which then, when the reactionary forces felt almost victorious, suddenly turned around, forgave and calmed, abolished death sentences almost completely, reintroduced class differences, and finally created a constitution which, although not based on principle, corresponded to the requirement of the prevailing conditions. . . . What was it that gave the Convention the courage and the power? What was it that made stormswept France obey this Convention?

We believe we have given the explanation: The elements of the new society wanted to be left alone. The Convention acknowledged the fact that, in spite of legislation and military measures, the basis of a new social order was still missing . . . A stable order of society is the necessary basis of a stable state. The riddle of this period consisted in the fact

that France, although it had a nation, a community, and a system of property distribution, did not yet have a society. . . .

In what respect did the domestic conditions in France differ from those of a true social order? . . . It is not enough that the various elements of society, property, and law do exist; it is necessary that these elements bring forth a permanent order of things. Even the individual had not yet adjusted to the new conditions. The soil had not yet been cultivated for one whole season, manufacturing not yet geared toward regular needs; the education of the people was even less oriented toward the new system with its new customs. The last and most important element of society was also missing in France; the new order of things had not yet been integrated within the families and had not yet grown into an order of society through the family. That was the process which now began. This process, although it took considerable time, had no history in the usual sense of the word. It took place naturally in line with Rousseau's statement: "The more time the events need to take place, the shorter time it takes to describe them." The period of war was terminated with the abolition of the rigidly separated class system; class domination had been destroyed. Says Mignet: . . . "The Revolution displayed its second characteristic, the one of order, of creativity and of peace. The parties, none of which had an exclusive and lasting claim on liberty, were discouraged and threw themselves from public into private life." This describes the consequences without explaining the causes. The cause was the lack of a new social order. Only a well-established society struggles for state power, never the people as such. But France at this time was made up only of "the people," the total of its population which was not socially structured.

This is why the period is of such interest as regards the problem of the true relationship between society and state. The mutual dependence of these two forms of human life was reflected in a new light through the establishment of the Directory. It had just been formed under the most dismal circumstances when, although almost without means, it immediately became sovereign. . . . No more revolts in the streets, no clubs, no siege by the masses, no fierce competition for the highest positions, no applicants for public favor, nobody who dared to take action against these conditions. . . . The whole terrible insurrection of Babeuf, which claimed 17,000 followers, was disposed of by a few policemen without a shot. The chaos of unparalleled power was followed by the chaos of powerlessness; the corpse of the Revolution lay stretched out on the soil of shattered France. The power of the Directory did not rest on the enthusiasm of the people, nor on the powerful armies, nor on its

excellent personalities; it rested solely on irresponsibility. This is the criterion of any state power which presides over a dissolved society. Responsibility is not a consequence of a law; it is not a prerequisite of the ideal state; . . . responsibility is a result of an awareness that two classes of a society struggle for the control of the state; responsibility is the means by which one of these classes does not allow governmental power to yield to the other class. The period of responsibility came only later. . . . At the time, the classes had not yet evolved, while the estates had disappeared; the lack of a social order became the basis of the irresponsibility of the rulers. . . .

What were the main features of the new Constitution? . . . It is not necessary to go into detail here. It was similar to the Constitution of 1791, but without provisions for a king, and with two legislative chambers. . . . It provided for a separation of state powers; the Directory was given the executive and the representative chambers the legislative power. The first chamber was the "Council of the Aged," whose members were to be over forty years old, married or widowed; it was given the right to accept or reject the decisions of the second chamber, the "Council of the Five Hundred". . . . Citizenship was granted to all who were 21 years of age, were settled in France for at least one year, or who were registered as having been born in France and who paid direct taxes, either personal or on landed property. . . . The Directory seems to be an altogether new creation, but it is easy to see what is hidden behind the *pouvoir exécutif* which the directors held. . . . It is the need for a strong authority which can support the laws appropriate for the new society. Under the Directory, liberty was hardly fostered. The people had thrown their rights carelessly into the arena of the social struggle; they knew now that freedom as an abstract concept differs from freedom in a specific social context.

The Constitution of 1795 has often been compared to the one of 1791; the question suggests itself of why the latter was not reintroduced and the monarchy reinstated. It was not possible to answer this question clearly till a later date. Monarchy in Europe was still the true representative of the old society, of the former proprietors and the old legal system. Kings were rejected because privileges and estates were rejected. The Republic of 1795 differed essentially from the Republic of 1793. It was not, like the latter, a true democracy, and its Constitution clearly indicated that it was not intended to be that; it aimed only to dislodge, with the monarchy, those elements which might become dangerous to the emerging society based on the new principles of distribution of property. If the monarchy had been able to abandon its old principles, a reform might

have been possible. But such a monarchy was unknown in all of Europe, and France would have been unable to hold its own when confronted with the forces of feudal Europe. Therefore, what was wanted was a Republic. This is the meaning of the statement by Mignet: "The goal at this moment, was a Republic without a revolutionary government, a moderate regime without counter-revolutionary tendencies." What was wanted was public peace. There was a fear of disturbances from above as well as from below, and therefore a constitution was drafted which excluded the masses from power. . . .

This explains the course of French history up to 1815. The same society which wanted the Republic of 1795 abandoned Napoleon and greeted the new king. In 1795 it would have been necessary to subdue society to reinstate the king; in 1815 he was accepted almost voluntarily, although the power of the king was three times as great as before. Society did not change, but monarchy in all European countries had definitely changed. The history of Napoleon is unrivalled in its glory, unprecedented in the vicissitudes of life, fabulous in the magnitude of actual events; it is unprecedented in the scope of political revolutions and the changes imposed upon countries and their boundaries. All these changes took place within one generation. . . . The actual significance of Napoleon in European history is reflected not in the history of individual states but in the history of European society. He was the man who spread the seeds of the new French society over Europe; . . . this man, whose greatness overshadows everybody else in both the 18th and 19th centuries, saw his life work fall into ruins; though much of what he had created was against his own intentions, it gained predominance over all Europe directly after his death—the ultimate victory of civil society and constitutionalism over feudalism. . . .

Part One, Chapter Two

THE EMPIRE

THE FOUNDATION OF THE ACQUISITIVE SOCIETY

Let us review the development of society from the vantage point where it clearly begins to constitute itself. What is apparent so far? The collapse of the old feudal order, its complete obliteration, and consequently the necessity for the establishment of a new social order. Up to this point, the principle of this new social order had been established. This principle evaporated completely in its abstract democratic-communistic form; it was preserved only in its merely negative form as the demand for equality before the law. We see furthermore that, on the basis of this principle, the elements of the new social order—the new system of the distribution of goods, on the basis of new laws and assignats and the new system of free trade—assert themselves. But we do not yet see the structure of a society evolving. No definite chance for the individual, no clear formation of classes and interests, no definite new forms of community life are as yet discernable. They are, however, indispensable. What will this new society be like, arising as the most recent form of social order on the basis of the negative principle of equality before the law and the new system of distribution of goods now evolving in France and spreading over all of Europe?

An analysis of the Empire, its origin and its history, will answer this question.

ORIGIN OF THE EMPIRE

The Last Elements of Feudal Society and the Emergence of Moneyed Power.

... With the establishment of the Directory and the Constitution of 1795, things quieted down in France. People retreated into private

life and began to busy themselves with their property, the real basis of all social development. "The Revolution proceeded successfully to consolidate its gains; after first having created a nation of sectarians, it now produced a nation of laborers," stated Mignet. The people who had taken possession of the newly distributed estates began to make use of them. While engaged in economic activities, they left all political decisions to the rulers of the state. They began to be indifferent toward decisions which did not seem to be of immediate economic advantage. The influence of the masses on the state had accomplished what had been humanly possible. While until then the state had been the center of all activities, personal well-being now became the focal point for all individual actions.

Many historians have seriously reproached the French people for having allowed this short interval between the Revolution, with its grandiose concepts, and the Empire, with its brilliant victories. Used to the interpretation of history on the basis of political action only, they were unable to explain the inertia and the decline under the Directory except by assuming the complete decay of all the noble and superior impulses which had made France great. Even Mignet, the most profound interpreter of the Revolution, exclaims: "After the Directory had been established, nobody believed in anything anymore; everything seemed to be lost, the virtue of the bourgeoisie and the virtue of the people." This verdict has been almost generally accepted.

And yet, this state of affairs was altogether natural and necessary. Man has only limited abilities, he can only live for *one* purpose. This one purpose now became the acquisition of material goods; after the land had been acquired it now had to be utilized; this, by its very nature, had to be done by individuals, not by the government. The only demand made upon the state was not to interfere in the economic affairs of the individuals; otherwise, state power really was of no consequence, because it could not assist the individual in his house and home, field and ground, shop and factory. If such was the case, it was necessarily reflected in the indifference of the people toward the constitution and the administration. The unsurpassed devotion of the people in former years to the fight for new public law had been as natural as was its indifference now. . . . Public life subsided, and private enterprise became the center of activity.

This was obviously a propitious time for the survivors of the feudal society to wage a last decisive battle for the restoration of the old order. Only eight years had passed since 1789. There were still hundreds and thousands of people whose existence depended upon the

old system, who neither wanted nor were able to adjust themselves to the new order of things, who had never understood this new order nor accepted its high validity. The issue to them was not one of specific privileges but an issue of their whole social existence. They had learned during recent years that it is highly dangerous to have recourse to violence. They had rejoiced in seeing the reign of terror and its aftermath dispose of the leaders of the Republic. Then as now, in their short-sightedness they believed that only the leaders of the Revolution represented the power of the new ideas. After those individuals had been eliminated, they imagined that they would be able to gain control of the apparently abandoned battleground, by way of the latest Constitution. For the complete silence of the people in public affairs made them believe that they no longer had to deal with the people but only with a weak and stupid government.

The remnants of the old society began a systematic constitutional struggle for the usurpation of the power of the state. It is the only outstanding feature of this time and later led to the coup d'état of the 18th Fructidor. This development is all the more important because it illustrates the close relationship of feudal elements with the newly developing groups of society which in later years partly cooperated, partly fought, with each other. . . .

Since the first appearance of the assignats, there had developed a great confusion in all economic relations which in the course of several years caused large-scale unemployment. . . . The assignats . . . were remittances for future cash made available by the sale of the estates, which guaranteed their value. Their value went up and down depending on the expected returns of these estates. During the years 1793 and 1794 the estimates for the expected returns dropped to almost nothing, because the dissolution of society, and particularly the threats to property, discouraged everybody from acquiring property. Nevertheless, the state needed money. . . . Since the assignats had no value whatsoever, the state had to use other means to obtain money. It had to buy cash in coins, in exchange either for land or bonds. . . . During these years, coins still in existence had been withdrawn from circulation. Many people hoarded them. All those who possessed cash in coins had become wealthier during the Revolution without any effort on their part, simply because cash money had gained tremendously in its market value. Since the government needed that cash money at any price, it had to buy it back in exchange for something which was infinitely more valuable but had a lower market

exchange value than cash; it paid the money owners with huge tracts of land or with large numbers of state bonds. In this way, the mere possession of coins suddenly turned into great wealth without the investment of labor. The possessions of the state were transferred to the money owners.

Naturally such shifts in wealth were accompanied by a new kind of speculation. All those to whom money and possessions meant everything played the market. . . . Ignominious bargaining increased. . . . Unbelievable values were offered for little cash; once, not less than twelve millions in state bonds were exchanged for 300,000 francs in cash. Many public servants participated in these speculations. "All the departments and especially the war department were taken over by a mob of looters of whom Barras was the patron; they made a mockery of the orders of the Directory and of the laws of the Councils, they supported each other and had become the sole power of the Republic" (Lavallée T. IV.). "The new fortunes date back to this period. All of a sudden one saw a swarm of parvenues emerging from the mud, children of stock jobbing and immorality, attached to the camps of unrestrained luxury and of the most counterrevolutionary spirit. All the sacrifices of the exhausted Republic were rendered impotent by their dirty hands" (Report of Jonbert de l'Hérault to the *Conseil des Cinq Cents*). These nouveaux riches of usury began to indulge in the luxury of times past and in mockery of the principle of equality which had been the basis of the Revolution. The rage for pleasure reappeared, accompanied by a rage for wealth. Old customs of the old regime came into fashion again in the midst of the Republic of Equals. Says Mignet: "Everyone threw himself frantically into the pursuit of pleasure; balls, banquets, debauchery, sumptuous carriages, were more fashionable than ever before. It was the reaction of the members of the old regime." It was the counterpart of the Republic of Virtue during terrorism; it also left deep scars. The inconsistency with principles for which the whole country had fought was too striking; for the first time, the power of money, which later was frequently mistaken for the power of property in general, appeared on the scene of French history; at the same time, an intense hatred developed against the power of money, a hatred which found its first expression in Babeuf's communism. The instinct of the common people was a good indicator, because this money power was the first and loyal ally of feudal reaction which arose anew with and within it.

All these wealthy people knew very well that the Republican principle stood in natural opposition to their position based on moneyed

property, all the more so since their money was acquired at public expense. They knew furthermore that they would never be able to enjoy their possessions peacefully as long as the principles of equality and of the virtues of devotion and frugality prevailed. They could feel safe only where inequality was the basic principle of the social order. . . . For this reason, the huge capital funds grown out of the Revolution made their owners determined opponents of the Revolution and allies of the remaining representatives of the old feudal society.

These two parties of the new society devised a plan for future action. According to the Constitution of 1795, new elections were due for one-third of the Council. The reaction began its work in the provinces. It undermined the weak authority of the Directory, instigated particularly the South, and almost succeeded in reinstituting the monarchy. . . . Pichegrou, the head of the whole conspiracy, was elected President by the Council of the Five Hundred. Direct and indirect attacks on the Directory grew more numerous. Five thousand emigrants were back in Paris; the situation had deteriorated to such an extent that being called a "Republican," a respected and feared term abroad, became an insult and a cause for proscription at home.

The victory of reaction seemed almost secured. What stood in opposition? A weak and divided Directory, the practically dissolved state, an impoverished population. In favor of the reaction was a strong party alliance and even the law, since their representatives were in the majority in the Council of the Five Hundred. And yet a single daring decision of the Directory could have destroyed it completely and definitely. Actually, it was not constitutional power to which the party of reaction aspired; it wanted the destruction of the Constitution and a return to the old law. The existing law, however, was a reflection of the new society based on the principle of equality and the redistribution of land and other property. An attack on the Constitution meant an attack on the whole society, whose common interest was opposed to the reaction. The reaction could not expect any assistance from the population at large; ideas as well as interests were opposed to it. Its only chance was the use of sheer power; strangely enough, it deceived itself into believing that even this was not possible for it.

The Position of The New Army

. . . A new factor made itself felt in the life of society; this new factor was the Republican army. . . . It is true that the very nature

of the army presupposes obedience to the ruling power, but the powerful course of revolutionary events had changed this. The French Republic had been attacked from all sides but was almost always victorious. Victory was assured partly through excellent leadership, partly through the enthusiasm for the Republic. The army identified itself with the ideals of the Republic; its fame and its future were the fame and the future of the Republic. The fall of the Republic would have left the army isolated between France and the monarchies of Europe. The abandonment of the Constitution would have meant the dissolution of the republican army and the abuse of republican victories. In this fashion the Army identified itself with the Republic, and the furious hatred of the monarchical armies had only endeared the Republic to the French soldier. In addition, the glory of the republican victories had been gained with great sacrifices; the tremendous deprivations and exertions resulted in a sense of power and of pride which can only be understood in terms of a victorious campaign. The army knew that the dissolution of the Directory would mean its own dissolution. How could the army which had won victories over Austria and Russia be expected to submit to a faction of the Council to whom, in addition, all the people were opposed? The army itself had adopted the republican principle of equality, a fact of great importance during that period. Before the Revolution, the gulf between the common soldier and the officer had been enormous. The rank of officer in the army had been reserved for members of the privileged estates, the relationship between officer and soldier was based essentially on feudal law. During feudalism the feudal lord used to set up his own army corps from the vassals of his estate. It was his own corps, and the military leader stood just as high above the soldier as the feudal lord above the peasant. This had been changed later only to the extent that the officer was installed by governmental authority but he continued to be a member of the aristocracy; a rise from the lower grades was practically impossible, even on the basis of great gallantry and military prowess. . . .

All this had been completely changed as a result of the Revolution. The soldiers had not been enlisted by order of the king or their landlords; most of them had answered the call of the fatherland voluntarily. The rank and file, therefore, consisted to a large extent of the superior elements of society. The military machine had been replaced by an institution which was mentally alive. The officers no longer came from the nobility only; they came from the rank and file, and everybody was entitled to promotion. A companionship devel-

oped between officers and soldiers which was renewed and strengthened by the sociability of camp life, the common effort, and common deprivations. At the time when Napoleon marched into Italy, the army was without sufficient clothing, food and pay, equipped with nothing but confidence in an apparently impossible victory; the position of an officer was far from being attractive. What it meant to be an officer is illustrated by a document quoted by Buonarrotti (*ibidem*, *pièce XX* p. 273); the most revealing passage states: "Except in the higher ranks the entire officer corps consists of former soldiers who have only their wages on which to live. For a major this amounts to about eight sous in cash per day. This obliges the majority of officers to eat in the soldiers' mess and consequently to become very intimate with them. This equality of destitution of the common soldier and the officers brings about a mutual friendship, an attachment and mutual confidence which differed widely from the pre-revolutionary relationship between officer and man." Such were the conditions under which the young army of the Republic had won its victories. And what did the reactionary forces demand? The re-establishment of the old law would have meant the return of the old order of the army. It would not only have undermined or even destroyed the life nerve of the young army, that close community of all the comrades-in-arms, but at the same time, destroyed the positions attained by the republican middle-class officers and the hope of the common soldier for advancement through good fortune and courage. The reactionary forces threatened not only the Directory, not only society, not only the new owners; they also threatened the very life of the only power which then existed—the army. If the army did not want to destroy itself, it was forced to uphold the Republic even against the Directory, the state authority to which it owed allegiance. It is almost inconceivable that the royalist reaction nevertheless counted on victory; only complete ignorance of the army made this belief possible. The position the army was to take during the approaching revolt was definite and irrevocable. . . . It was sheer stupidity to believe that the army—with its greatest general, the already world-famous Bonaparte, and after the decisive victories it had won for the Republic—would have been willing to renounce this Republic. The Directory could trust society and the army: the army, supported by the new society, would have been able to maintain the Republic alone against all antagonists. The appeal of the Directory to the army was nothing but the legalization of the army's original approval of the new order of society; a great European future lay ahead of it.

Most historians, particularly Thiers in the ninth volume of his *History of the Revolution* have interpreted the subsequent events as though the Directory and the republican party had thrown themselves "into the arms of the military power," out of fear of the counter-revolution. This opinion is generally accepted. But it is one-sided. The Directory or the new society did not have any choice but to call upon the army for the defense of the Republic; the army was the natural and necessary defender of the Republic, which meant to it the glory of France in foreign relations and equality within the army itself. In defending these achievements of the Republic, it had also to defend the rest. Royalism was the exponent of the opposition to these principles; therefore, the army was the necessary opponent of reaction. This was the true relationship of the new army to the new society and the new Constitution.

When the first news of reactionary machinations reached the armies, a universal outcry, particularly in the Italian army, arose against royalism. Soldiers, officers, and the General Staff issued appeals to the Directory, not any more as obedient servants but as independent parts of society. "Tremble, royalists," the soldiers stated, "there is just one step from the Adige to the Seine. Your injustices have been counted and you will find your punishment at the points of our bayonets." "It is with indignation," stated the General Staff, "that we have watched the intrigues of royalism threatening liberty. We have taken the oath in the name of those who died for the nation, to fight implacably against monarchy and the royalists. Such are our feelings, they are those of patriots." The opinion, the will, the oath of the army came to predominate over the will of the constitutional power! The Directory, backed by the army, watched the goings-on of the reaction undisturbed, but action finally had to be taken.

*The Coup d'État of the 18th Fructidor of the Year V.
(September 4th, 1797)*

According to the Constitution of 1795, the two councils were the only judges of their own action. The royalists had a decisive majority in both. Legally a disregard of the majority was impossible. When Bonaparte took Venice, he captured the papers of the Count Entraigues, which disclosed the conspiracy. He sent them to the Directory and advised a coup d'état. The Directory asked for a general; he sent Augereau; troops were gathered around Paris. . . . Twelve thousand men and forty cannons stood in front of the Tuileries, where both Councils were assembled at midnight of the 18th Fructidor. The

three republican members of the Directory had called the republican minorities to the Odéon. Upon their order the troops took over all important positions, dissolved the Assembly and entered the city victoriously without one shot. The minority condemned the two members of the Directory, Carnet and Barthélemy, and fifty-three deputies to deportation; the laws against emigrants were reactivated; all noblemen and priests were exiled by the threat of death; even the owners and editors of not less than forty-one journals were deported en masse, and civil rights were suspended for all those who formerly had been members of the aristocracy. The victory over the last great conspiracy was decided in a few hours; the people approved, and the fate of the Republic was again secured. That was the coup d'état of the 18th Fructidor. On the surface the event had few consequences; for the development of the Republic and of the new society it was of the greatest importance.

The order and content of any new constitutional law is determined by one of three factors: by the changes within society, by a new principle which reflects these changes, or by the requirements of political prudence. There is no doubt which of these three factors determined the Constitution of 1795, which had been rejected by the 18th Fructidor. Sieyès, with his keen and well-balanced intelligence, was always of the opinion that one could satisfy all social needs by a prudent distribution of powers and a carefully organized state. The Constitution of 1795 is mainly his; it differed in major points from its two predecessors. The Constitution of 1791 had been the result of the struggle between the two social orders and of the victory of the new society. The Constitution of 1793 was the creation of a grandiose, though one-sided, principle; the Constitution of 1795, however, was solely the product of political expediency. Seldom has a man understood and judged his time and his people better than Sieyès; as never before the circumstances were favorable for a stable constitution; therefore, this Constitution offers a striking illustration of the proposition whether a constitution created in the art of politics is viable at all.

We are living at a time when political theory carries an even greater weight than formerly in founding state constitutions. . . . Therefore, it is important to prove by this first example that no constitution which is conceived only in theoretical terms is able to survive. Even if devised with supreme intelligence, it will necessarily be overthrown and changed by those powers which actually determine constitutions, namely, the elements of society. . . . Even if such theoretical constitutions may be enforced for a while, the first percussions will blow them away like a dry

leaf gone with the wind. Only the constitution based on the social order is able to withstand inner conflicts. Does not the strength of the British Constitution in contrast to the ephemera of Germany suffice to prove the point? . . .

The Constitution of 1795 certainly was a masterpiece of expediency. Everything fitted most beautifully; all principles seemed to be adhered to; one could have lived excellently under such an order of the state. But if we ask what kind of a social order it reflected, which social elements were represented by the two main political organs, the two Councils and the Directory, we do not find an answer. It was characteristic that the Constitution did not represent anything, while it precluded nothing. Consequently, one party used the organs created by the Constitution and attempted by strictly legal and constitutional means something that was contrary to the development of society, namely, the re-institution of the old order. In this way a revolution, which usually develops against an existing constitution, was brought about *by* the Constitution, and the Constitution was destroyed. The question arises as to what kind of constitution was possible at that time. Indeed, no constitution at all was as yet possible. This may sound like a daring statement, but it is true. Where was the order of society which the constitution was supposed to reflect? There was no such order yet; there were at that time no classes, no provisions for the inheritance of social status, for education, for special interest groups within the framework of the new principle of freedom and equality; the constitution expressed only the general principle of the Revolution but not any of the social elements. And whatever is valid with regard to the French Revolution is also relevant for any similar revolution. Wherever a doctrinaire constitution has to be created, no adequate condition exists for a genuine constitution. But what could be done under the prevailing circumstances? What were the needs of the time which could support neither a purely social constitution, such as the one of 1791, nor one based entirely on principles, as the one of 1793, nor a purely doctrinaire constitution, as that of 1795?

Napoleon

During the preceding years, the third estate had adopted new property rights, particularly the rights of landed property. This began with the legislation of 1790 and 1791 and had been secured through the reign of terror. The various proprietors began to get used to their newly acquired property. But the role of proprietors was still new to them. Thousands of landowners had settled on portions of the subdivided large estates; they started to erect buildings, to buy livestock, to till the soil; the

liberated peasants had to reorganize the management of their farms; in the cities all guilds had been dissolved; the journeymen became masters and shop owners. The old guild masters had to replace their lost privileges by new efforts. Trade, liberated from monopolistic control, took a different development. In brief, the various elements by which the Directory had replaced terrorism continued to expand. There was no time for political activities. The Constitution had opened the new roads to acquire property; it was powerless to do more. The drive for monetary acquisitions took the place of the drive for political changes. The government was left to itself, provided it did not interfere with the pursuit of economic interests, except by protecting and furthering them. . . . If none of all the Constitutions was able to offer sufficient security, as the experience of 1797 had shown, if any law could be manipulated in order to attack and destroy the basic principle, where then could security be found? Which form of state could . . . provide external security and at the same time exclude all elements of the old order?

There was obviously only one answer. If the Constitution, by its very nature, had to tolerate the ambitions of reactionary elements and therefore to permit the peaceful development of the new propertied class to be threatened, then individual security could only be protected by the absence of any constitution or by extra-constitutional powers of the state. Two things were necessary for the latter alternative: a strong state, and a state which ruled according to the principles and laws on which the new distribution of wealth was based. These objectives could no longer reside in the representatives of the people but had to be invested in one man: he had to identify himself with it in order to forestall any revival of the popular movements and of the conflicting parties, representing different social factions.

Napoleon was such a man. Formerly a follower of Robespierre, the victor over Austria, the most glorious name in the Republic, he was admired for his extraordinary administrative talents, his aversion to the disturbance of state order, his concern over foreign policy; he was the only rallying point not subject to any controversy. Napoleon was known to uphold the principles of the Revolution, but yet wanted the Revolution as such terminated. He had saved the Convention on the 14th *Vendémiaire*, he had crushed royalism while in Italy; he provided security from foreign enemies and from domestic turmoil. In him one could find what was most needed at the time: a powerful defender of the power of the state, without tendencies towards feudalism.

Napoleon was the man of France; yet he was more: he was also the man of contemporary French society. This aspect of Napoleon's role

has been neglected, although, at least at the beginning of his career, it was the most important one. It was because he dared to replace the people's will by his own and not despite it, that he became the master of the new revolutionary state and the ruler in the name of the new society.

Social history must revise its judgment about Napoleon. He has been stigmatized in France as well as outside of France as a despot. He has been condemned, and his country has been deplored; he has been accused of using his power to suppress freedom; it has been stated a thousand times over that his fight against liberty and his tyranny over his country, barely recovered from the wounds of the Revolution, destroyed his power. It has been stated that having gained the throne by abolishing the Constitution he might have saved himself by inaugurating a new constitution. . . .

And yet Napoleon was not born a dictator; he became one through the power of circumstances. It is interesting to watch how he himself attempted to understand the factors that drove him to absolute power. Sometimes he accused England of not leaving him alone, sometimes he was angry with Austria; sometimes he was convinced that freedom and happiness of the people could be established by this or that expedient. If it had been possible for one man to control the elementary power of social forces Napoleon would have been able to do so. But his fate illustrates the force of the elements whose history is our main subject.

The abolition of the Constitution after the 18th Fructidor and the resulting absolute power of the state were not the result of Napoleon's political ambition, nor of the success of his armies, nor even of the growing French nationalism which has been referred to so frequently; it was the necessary consequence of the underdeveloped state of society, which needed protection and could find such protection only from outside forces. Neither choice nor character made Napoleon a dictator; the needs of society forced him to become one. This society had no use for a politician like Sieyès or for a diplomat like Talleyrand, or for a compliant character like Moreau. It needed a man who had the courage to put himself in place of a constitution. . . . Without despotism Napoleon would not have had the support of all the people, nor would he have served his country as well as he did. Society gave him absolute power. . . .

The rise of Napoleon and the subsequent history of France illustrate clearly that the despotic rule of one man is conditioned by social changes, as is any other type of constitution. This is particularly con-

firmed by the fact that whenever laws of social change seem to give way to one man's arbitrary rule this is accepted with enthusiasm by the whole population.

Therefore, a phenomenon like Napoleon is by no means unique in history. The power of circumstances is so strong that similar conditions produce similar personalities. There are some dictatorships which have little or nothing in common with that of the French Emperor; those are dictatorships which are set up on the spur of the moment and are due to either administrative or military expediency. They disappear after a brief period, since they serve a single cause. But those which grow organically out of the life of a nation are altogether different. They persist because they correspond to a definite condition of society. This type of dictatorship grows out of preceding dissolution of a social order; the beginning of a new social order usually coincides with the beginning of dictatorship. We might call it a social dictatorship. The most striking similar example of such a dictatorship is that of Cromwell. There is no doubt that any country under similar conditions will bring forth a dictator; it is an inevitable consequence of the laws of social development. Even the greatest historical figures are subject to these laws of history. "Freedom" has little meaning in this context.

Napoleon was the very cornerstone of the new society. His career serves as an illustration of the condition under which social growth can only be accomplished by the complete transfer of all political power to one individual. But it is not sufficient that such a dictator take control over the state. The prevailing social conditions are of specific importance and, in turn, determine the task of the dictatorship.

After the struggle between classes or estates has come to an end, the struggle between parties develops. A party distinguishes itself from other social groups primarily by the fact that it has specific goals which it desires to attain; the nature of these goals depend upon personalities, principles, or interests represented in the parties. The party is aware of the fact that its goal can be attained only by control over the state, and therefore it attempts to gain this control. . . . Parties appear to be most powerful whenever the new state is not yet consolidated. This always occurs after a social revolution has been successfully carried out. Thus in France, after 1795, social changes were overshadowed by the emergence of political parties. The victory of the 18th Fructidor had been a victory over one party. It was the beginning of inter-party struggles. . . . State authority, in order to be stable, must display an ever-present and comprehensive power. This is the very nature of the state. Only then do the differences between the state and the party

become apparent, and only then . . . is the state safe against the attack of the parties. This is what determines the course of any social dictatorship.

A social dictatorship usually finds the state in dissolution. To cope with the various parties, it must attempt to reorganize the state in such a way that all power is concentrated in the hands of the dictator. Only then is he secure against party attacks. Dictatorship by its very nature must accomplish what society has attempted to do in vain, namely, the establishment of a well-ordered administration and of a constitution legitimizing the rule of the dictator over the whole population. This is the natural development of any social dictatorship. The needs of society explain the otherwise inexplicable phenomenon that the people, who had just taken extraordinary risks to establish self-government, suddenly transferred their rights unanimously and without resistance to the new sovereign. This also explains why a social dictatorship, even one adorned with greatest military glory, will never rule for any great length of time unless the dictator has outstanding administrative talents. . . . There is no other way of coping with party politics in newly emerging societies except by the establishment of an able and uniform administration. The history of Napoleon strikingly proves this point. He conquered Europe with his armies, but France submitted to his administrative skill rather than to his military power.

After the 18th Fructidor the development of French domestic life is quite distinct and easily observable. We distinguish two spheres of development. One is the establishment of a constitution, by which society deprives itself of political power, and by which the dictatorship of Napoleon, slowly and organically, and without recourse to violence, establishes itself and spreads over the whole society as well as the institutions of popular representation. The other is the sphere of administration, in which the whole organization of the state, with all its institutions, becomes centralized in the hands of the dictator. . . . The victories of Napoleon until the establishment of the Empire have had only the function of barring any of the foreign enemies from interference with this new order. . . .

The Transition from the Constitution to the Actual Organization of the State. The 18th Brumaire Anno VII (November 10th, 1799). The Constitution of 1799 and the Senatus Consulte Organique of 1802.

The 18th Fructidor had indeed crashed the reactionary party. However, by violating the Constitution for the sake of its own principle, the confidence of the people as well as of the representatives in this

Constitution had been destroyed. It had been demonstrated that the army, and no longer the people and their appointed representatives, was the true exponent of the new developments. The army confronted the Directory with the alternative of usurping the power of the state or of being crushed by pressures of the parties. To take over supreme power presupposed an enormous administrative change in order to replace the moral strength and the constitutional power of the people by the personal will of the rulers. Members of the Directory took over this power, but soon it became evident that they had neither administrative ability nor moral independence. They left everything unchanged. This did not help France.

Consequently, the indifference of the people toward the Constitution and the representatives grew. Some already voiced the opinion that popular representation was the source of all misfortune. The antagonism against reaction turned against a constitution which more and more tolerated the reaction. The indifference of the people, together with the ineffectiveness of the administration, favored the resurrection of the old parties; the Royalists appealed again to the Vendée; there were insurrections in the South; the armies of the Republic, poorly supported and poorly guided, were beaten everywhere. Conditions were becoming more critical from day to day. The self-propelling forces of the Revolution had become exhausted; unless an altogether new and strong element appeared on the scene, France was lost.

Meanwhile Napoleon had gone to Egypt with the core of the army and had completed his fabulous but rather useless campaign on the shores of the Nile, which had made him famous. He learned about the situation in France from the newspapers which a British admiral gave to him, and he decided to return to France. He was not quite sure what to do, but he felt that he should act. . . . On his return to Paris he found a complete chaos. He immediately saw that the principles of self-administration had lost their force and appeal and that the Constitution could no longer be the answer. It is true that Napoleon was a born ruler; it is not true that his lust for power suppressed liberty in France. While in Paris, the sight of the complete disruption of the two Councils—the Council of the Five Hundred and the Council of Elders—the absolute incompetence of the Directory, the complaints of the people, the breakdown of the administration, the decline of the authority of the state, the opposition of all social classes against popular representation all convinced him that the continuation of the revolutionary conditions was impossible. He had to overthrow the Constitution in order to save France. This conviction led him to disperse the Council of the

Five Hundred with his grenadiers on the 18th Brumaire (Nov. 10, 1799). When the Council, this last truly popular representative body, resisted him seriously, he answered them with the profoundly intuitive statement: "I do not want any more factions." With this statement he won over half of France. . . . Lavallée states correctly: "There was not the slightest opposition against the attack of the 18th Brumaire." Everybody felt that Napoleon would express the opinion common to all parties. It was new for France when, a few days after his victory, Napoleon announced the principle of his administration, namely, "that there should be no more Jacobins, no moderates, no royalists but only Frenchmen."

The Constitution of 1795 was swept away by the 18th Brumaire. It was the last of the series of Constitutions proper. With the new Constitution of December 13th, 1799, swiftly conceived by Bonaparte, a completely new era of public law began. The constitutional state was now replaced by the administrative state. A constitutional state establishes the identity of the will of the individuals and the general will; the administrative state considers the individual and his will merely as a part and an organ of the personal state. The constitutional state always assigns to the constitutional organs the task of participating in the determination of this will. In a mere administrative state, on the other hand, the task of the state organs is restricted to their specific domains. In a constitutional state the attitude of the individual, as well as of all constitutional groups, toward the state is always determined by the individuals themselves. . . . In contradistinction, in the administrative state, the will of the state, independent of the individuals, holds the power to control the behavior and the activities of the various organs. While initiative in a constitutional state moves from the lower level—the variety of individuals—to the upper, . . . the reverse is true in an administrative state. Fully developed, the former represents the free formulation of the will of the personal state, the latter mainly the organic execution of this will. . . .

The Constitution of 1799, in which the principle of the administrative state was virtually developed into a system, is of great interest in the history of constitutions, but only of minor importance in the present context. After the necessity of a one-man rule had been created by the existing social conditions, the form in which it emerged developed almost independently. The Constitution of 1799 was the first step, the Constitution of 1802 the second, toward the administrative state; the third and last step, the complete elimination of all popular participation, was no longer embodied in law but was a mere fact. The Constitution

of 1799 differs essentially from the three preceding ones in that it does not contain a preamble with a "Declaration of the Rights of Man." This was a symptom of progress because it indicated that most of these rights appeared to be secure without specific legal acknowledgment; on the other hand, it was a sign of retrogression because the Constitution had lost one of its dynamic elements. The Constitution establishes the *Sénat-Conservateur* as the main organ of popular representation. It has three members who are appointed by the legislative body, the Tribunal and the First Consul (Art. 16). The Senate, however, appoints the members of the legislative body as well as of the Tribunal (Art. 20). . . . Pending legislation is first submitted to and criticized by the Tribunal of 100 members; however, laws can be approved only by the legislative body (300 members). The Tribunal is obviously supposed to represent the element of change, . . . but only the Consuls have the power to initiate legislation. . . .

There was one element in this Constitution which endangered its existence, and this was the Tribunal. The Tribunal was able to oppose the wishes of the Consuls so energetically that the legislative body could reject the proposals of the executive. Under such conditions the executive could either give in to the semblance of popular representation or violate the Constitution. This was the point where the inner contradictions of the pseudo-constitution became apparent. To gain absolute power it was necessary to take one further step to definitely change from the constitutional state into the administrative state.

This step was taken by Napoleon through the establishment of the "*Sénatus-Consulte organique de la Constitution*" on the 16th Thermidor (August 4th, 1802), according to which the Consuls were appointed for life. However, its main importance lies elsewhere. Napoleon had already understood that the element of freedom in the Tribunal, reminiscent of the old Constitution, was the last source of opposition against his absolute power. Powerful circumstances had made him, the former follower of Robespierre, an unrelenting foe of all independence except his own. From hatred against factions which had inspired him to carry out the *coup d'état* of the 18th Brumaire he had finally developed a hatred of free actions, even of free speech. . . . He was the embodiment of the need for a strong state power; he assumed that this desire for power was his own personal characteristic, while in fact it reflected a need of society. . . . Thus he turned scornfully against the Tribunal, banished by Senate order all speakers of the opposition, and replaced them by his followers (1801); the last remains of a constitution proper were abolished, and its provision, the form of which had been preserved

in the Constitution of 1799, pertained to functions compatible with the essential characteristics of an administrative state. All this was carried out by the *Sénatus Consulte organique*.

The *Sénatus Consulte*, which was not called a constitution but an organic law, preserved the traditional forms; this is why it was deceptive with regard to its true nature. It determined that the choice of district officers, department officers, and members of the *Sénate* was the function of the First Consul; that the *Sénate* could not inaugurate any laws; that the Tribunal was to be reduced to 50 persons; and finally, it was explicitly ordered that the assemblies of districts as well as departments should only deal with such issues as were submitted to them by the government. This was the last and final indication that popular representation had been replaced by state organization. From this moment on there was no longer any direct participation of the people in state affairs; the representative body became an administrative organ, and the sovereignty of the government was secured.

At the same time . . . a principle was revived to which little attention was paid at the time, but which nevertheless became important. It had to do with the slates for the caucuses of the departments, which were to be chosen from a group of 600 persons who paid the highest taxes. . . . The regulation is of importance, because here, for the first time, property rights again made their appearance in public law. Almost as a reminder that theirs was the future, they were specifically mentioned in the new law; and while their rights had formerly been part of the state constitution they asserted themselves here in the administrative state with their negative attitude toward the propertyless. It is only an indication, but one of significance. The contributions of the propertied classes were still made in the economic rather than in the political sphere.

With the establishment of the *Sénatus Consulte organique*, legislation in French public law came to a halt. Napoleon's rise to the status of Emperor belongs to another phase of development. But there is a series of laws which we have to describe briefly in their relationship to society and to the new state power as the application of the new principles in public law. . . .

The Organic Laws. The Code Civil and its Social Implication.

These laws fall into three groups. . . . The first group includes all the laws relating to administrative action and central organization. . . . Napoleon subdivided the country into *Départements* under the head of *Préfets*, *Arrondissements* under *Souspréfets*, and *Municipalités* under *Maires*; each of these officials had full responsibility for the execution

of orders from Paris in his district. In order to secure the execution of these orders, the officials in charge had to be kept in direct submission to the highest office. This was accomplished partly by the fact that the official was subjected to dismissal, partly by the fact that he was well paid, and partly by the omnipresence of the government, which supervised the execution of its orders. On the other hand, he had almost unlimited power in his own district as far as the execution of the governmental orders was concerned. This law and its continuous application guaranteed the authority of the French government in all parts of the country. By providing powerful instruments to carry out its will, the government doubled the strength of the country and its people by a rigid centralization. . . . It is this organization which has made France great; it is the highest form of consolidated state power spread over a whole country.

After the new administration was established, steps were taken to rearrange the judiciary. These laws constitute the second of the above-mentioned groups. . . . Each *Arrondissement* obtained a civil court, each *Département* a criminal court; and in addition 29 courts of appeal were established. In this fashion the people's courts were replaced by state courts. The centralization of France, which has distinguished that country among other European countries, was carried out under the guidance of Napoleon. One has to recognize the powerful mind of this man, who wanted to build a state in order to control party politics. The brilliant example set by Napoleon has affected European developments distinctly. It is he who first solved the great problem of centralization. . . . France was never stronger than under these laws. What was the secret by which Napoleon made the nation submissive and strong at the same time?

The need for the unhampered development of the individual and for the growth of a distinctive social order was the tacit presupposition for the growth of absolute and organized autocracy. Until now, the state, in almost all of Europe, had stifled individual development. . . . The people needed a state, but they equally needed unrestricted freedom for individual growth. The question was whether the two were compatible with each other. . . . The solution of this problem is the secret of the greatness of Napoleon and of France during his lifetime.

The third group of organic laws include the whole codification of French laws. It is altogether wrong to consider the Napoleonic codes as part of the process of centralization. They are just the opposite of a centralizing force; all these codes, particularly the *code civil*, erect a stable wall of civil law protecting the individual and his social po-

sition. . . . This code is not so much an event in legal history as in the history of society.

Civil law is a system based on a definite and accepted principle. . . . The principle of all civil law is the rights of the individual personality. . . . The development of a true personality can only take place in society. . . . If society—as during the feudal epoch—bestows different status to different persons, there has to be a different civil law for each such different category of persons. The principle of feudal civil law was not uniform; it contained as many different systems as there were different social classes. The peculiarity of feudal civil law was not so much the right of the person as the right of property held by persons. Feudal society, with the three estates of clergy, nobility and third estate had three different principles of civil laws: . . . there was one for the clergy, . . . one for the nobility, and one for the members of the third estate.

The multiplicity of civil law had been broken by the Constituent Assembly. . . . Equality before the law involved the acceptance of the principle that the individual, without regard to his social position, should be the basis of the civil law system. This is the meaning of the term "equality before the law". However, the consequences of this principle had not yet been drawn in all instances. The old civil law was abolished, but there was as yet no new one; a situation of almost complete lawlessness in private affairs prevailed. The fact that judges were elected by the people aggravated the situation. The judges were no longer chosen from the experts of law, since the law they were versed in was in contradiction to the principle of the new law. Judges were chosen from the rank and file of the people. These judges, however, confronted with the vague principle of the new law, made more or less arbitrary decisions depending on which class of society was stronger at any particular moment. This arbitrariness seriously endangered the new society; it made the new proprietors dependent upon the judgment of the experienced and the security of their new property dependent upon arbitrariness and chance. The basis of individual development was threatened, because property rights were not secure legally. . . .

This was the point whose importance Napoleon immediately recognized. Right after the 18th Brumaire he initiated preliminary work for the *code civil*; . . . its origin is one of the major monuments of this extraordinary man. The *code civil* deserves a place of primary importance in the history of French society. It incorporated into a system of established law the principle of equal and free individuals whose rights are independent of social difference. The facts of the new economic

order and legal equality became transformed into a system of laws which at all points fostered and guaranteed equality among the people; it was the consolidation of the social revolution in the sphere of civil law.

From this point of view the codification gains a new significance. The comparison of the Code with old feudal law is not only a comparison between two different forms of law, but it entails a comparison of two different stages of social development. . . . The deep gulf between the old and the new law is unbridgeable, because both represent two completely opposite orders of society which have no common roots but which necessarily cancel each other out. . . . We in Germany have particular reasons to account for the conditions of such a legislation. For thirty years we have been listening to arguments about the ability or inability of our country to develop such a codification. It is an endless dispute which cannot lead to any result because our approach to this problem is wrong. The indispensable prerequisite for a codification is the acceptance of a free and individual personality liberated from legal status differentiations. This is what is lacking in Germany. . . . The lack of uniform German legislation is not a consequence of the diversity of the development of local law. . . . The whole problem of codification in Germany is a purely social problem and will remain such according to the nature of private law. France has its code of law not as a result of a better training of her law-givers but as a result of an acknowledgement of absolute equality of individuals and goods before the law. There is no doubt that a code of law in Germany will be developed only after the abolition of differences in status; . . . but it is also undoubtedly true that a German code of law will never be developed as long as status differences prevail in German society.

The *Code Civil* is the first of a series of other codes of law. . . . One may differ on specific regulations of the *Code Pénal*, the *Code d'Instruction Criminelle* and the *Code de Procédure Civile*. There is much to be criticized; but with all their faults, they have fulfilled a higher mission. Each in its sphere has elevated the principle of legal equality of all individuals in a systematic order. The systematization of French law, the task set by the Constituent Assembly, was thereby accomplished. This legislation has been accepted and preserved as a great treasure, whose validity and excellence is beyond questioning, during the following decades, because it embodied the principle of legal equality in civil society. Only through this step had France moved from the revolutionary period, the period of the destruction of the old law, to a new state with a specific and consistent legal framework.

The legal equality of persons in their mutual relationships was thus

guaranteed. There remained one more sphere of equal social importance, the application of the laws and the rules of the courts. The court is an organ of the state; . . . in court action the will of the state comes in contact with the rights of the individual. This is where the question is decided whether the individual is really free; only the respect of the state for the independent individual provides full recognition of that independence. The decision of this question is safeguarded mainly by one principle—the irremovability of the judges. If the judges are subject to dismissal, those who hold the power of the state are considered to be superior to the judge who executes the law. . . . Just as the law guarantees the independence of the person from arbitrary actions of another person, the irremovability of the judges protects the individual against arbitrary actions by government. This principle, which made the codification of supreme importance, was accepted by Napoleon without qualifications. Although the Constitution of 1799 declared that the judges are appointed by the First Consul, Art. 41 states that the Consul does not have the power to dismiss them. The last point of the codification deals with the independence of the judges. . . .

To sum up: as we look at the new administrative state, a twofold development is discernible. On the one hand, an organization and centralization of the state has taken place which is without precedent in history, . . . it became the source of tremendous strength. An almost perfect organization of the independent personality of the state had been achieved. On the other hand, a concept was developed of individuals equal before the law and protected by courts which were assisted by the state in all matters except with regard to political activity. Side by side, independent and separated, . . . are arrayed the two main component parts of the state, the general will and the individual person. Each has its own life circle, its rights and its organs. . . . The separation of citizenship from state power brings about the concentration in the government, of all the noblest strengths of the nation, which by their nature belong to the community as a whole, and focuses the interests of the individual on the personal sphere of life. Napoleon had separated state and society to allow each of them to develop freely, or rather; the law of social dynamics had driven the state power out of the sphere of society so that a new social order might develop unhampered by political demands. This condition could not prevail for long. The constitution of the state is essentially the reflection of the social order. As soon as the new society had secured its order by persistent labor, it was inevitable that it should make demands on the state; the time for the collapse of Napoleon's system had to come. . . .

After order had been established in France, Napoleon's European history began. The Empire marks the closing of the French social revolution and the beginning of the social transformation of Europe.

THE EMPIRE

Napoleon's Constitutions

... As we review the attitude of France toward the rest of Europe during the first revolutionary decade, it becomes evident that a development was taking place in France which was in basic opposition to the foundations on which European public life still rested. All of Europe was at that time an estate society, and public law was shaped by this society. A civil society based on the principle of equality before the law was still unknown in Europe. As soon as the new order of things had been consolidated to a certain extent in France, there began that series of wars which is the content of the external history of this period. ... Never before had the nature of Europe as an organic entity been so much in evidence as during that decade. All those wars were definitely a struggle of the European organism against this one member of that organism; at no time during this period did any state take up arms alone against coalitions of the remaining European states. ... It would be wrong to interpret these coalitions as mere alliances; alliances may be formed at will. The coalitions, however, were inevitable responses, deriving from the nature of those states, of the whole organism against the incompatible elements of one of its parts. These states fought for their common foundation, which was threatened by France. They sensed that either their own traditional social order or France had to perish.

The first period of this struggle terminated with the appearance of Napoleon. The French movement had withstood the attack of the remaining old organism; the new France had become a recognized power. It is possible that Napoleon did not try to deceive himself when he stated that he sincerely wanted peace for France and for Europe after the treaty of Amiens, which marks the end of the first period, and that he hoped to lead a new France peacefully along the road she had chosen. It is also true that England did not leave either Napoleon or France at peace; undoubtedly a national antagonism going back many centuries continuously rekindled these tendencies. But the true reason

for the new outbreak of the European war lay beyond all political machinations. The peace treaty of Amiens recognized a feudal Europe and a civil France, a part which was essentially different from the whole—an absolute contradiction—as the foundation of a European peace. This is the reason why permanence and peace were impossible. The organism of Europe was torn, ... the necessary and natural cooperation of all European states became impossible. ... The real problem had not been solved. The struggle had to begin anew. It now took on a different character. France, which had so far been on the defensive, now began to interfere actively in the affairs of Europe. ...

This was the second period of the transformation of Europe by France. ... If European life was truly an organic entity, it was inevitable for Napoleon—whether he wanted it or not—to plunge into a European war incalculable in its effects. It is his name which, in world history, marks the point at which the whole European organism, defeated by France, detached itself from the old political and social system to build a new one on the basis of constitutional, public and private law. ... We are going to talk about European history only to the extent that the powerful interplay between the two struggling elements affected the society of France.

The events that took place after the peace of Amiens had been broken and the new war had started can be arranged into two major categories. The victories of Napoleon appeared to be victories of his armies, but in fact they were the victories of French society over European society. A society, however, cannot be subjected like a state. The real victory over the old society ... consisted in the creation of a new society. Napoleon was well aware of the fact that he had accomplished little through the military conquest of the feudal states; he knew perhaps better than the French people that he fought for one type of society against another. Only if the old social order could be broken would his France be victorious; the struggle of the armies was only the outer manifestation of a much more vital struggle. Thus an altogether new war started. The effects of this war on Europe outside of French society belong to the first category of events. These phenomena are summed up by historiography under the title of "Napoleonic Constitutions;" ... these constitutions have been very differently evaluated; their real importance can only be gauged in their relationship to the international situation of that period.

The antagonism between France and Europe was based not merely on the struggle for power but on social contradictions. It was evident that France, with her victorious armies, could be secure against this

powerful opponent only for the moment and not forever. She could secure her position only by transforming the societies of the conquered people. The true allies of France would be those countries which . . . had accepted the social principles of the new France. How could that be accomplished? It is true that some elements of the new order were powerful and alive side by side with the feudal order in these countries. But in war one could not wait for a slow and peaceful development; Napoleon needed, in the name of France, a definite declaration that these states would adopt the French social system. How could a valid declaration of this kind be given without the consent of the individual princes? . . . France, fighting against feudal Europe, either had to force the conquered powers to enact constitutions in conformity to French law—or else she had to do it herself in the newly conquered territories.

This is the true importance of the Napoleonic constitutions from Spain to the Russian frontier. They spell the victory of the new European socio-political order, and they finally put an end to the isolation of France. The entire war cycle from 1803-1814 thus acquired an original and grandiose character. Napoleon was justified in assuming that his European position depended on these constitutions rather than on his armies; he was therefore justified in giving to his brothers new kingdoms whose constitutions were to provide the essential link between the new France and the rest of Europe. He was right in considering Prussia, Austria and Russia as unconquered, because they continued to uphold the old law. He expressed these thoughts when he addressed the Spaniards in Madrid: "I have abolished the tribunals of the inquisition to which the spirit of the century and Europe are opposed. I have suppressed the feudal laws; the selfishness, wealth and prosperity of the few did more damage to your agriculture than the furor of the poor (*sans cule*). Just as there is only one God there should also be only one justice in a country. All the various privileges have been usurped and were contrary to the rights of the nation. I have abolished them. Your children will bless me as your benefactor." This interpretation explains, better than the inner weakness of the constitutions themselves, the hatred which they aroused and their sudden abolition after the fall of Napoleon.

The struggle of Napoleon with Europe establishes his lasting position in the history of European society. During these wars, which threw all the old states into confusion, rebuilt them, and destroyed them again, the fate of the states proper is only of secondary importance. . . . The Napoleonic constitutions are the great boundary marks

which history had erected at this crossroad; they are the first manifestation of a basic social change which is determining the history of the world in the 19th century. . . . Their mission is independent of their political expediency, their influence is independent of their short duration. The fact that they did exist and were accepted as valid had changed the social life of Europe, and had proven that the laws and movements of society were to determine, not only the constitution of just one country, but of all Europe.

However, such a powerful impact of one country on a whole continent had to have strong repercussions in France as well. By her interference with the internal affairs of other states, these states, in turn, gained an influence upon the social conditions in France. Most states might not have accepted the French social system except for the fact that Napoleon had supported certain important and powerful social groups of the conquered countries and thereby built a bridge from the Revolution back to the past. These are the elements which later participated in the struggle for restoration. . . . Through them Napoleon turned anew toward society and established a bond between society and his original rigid state organization.

The Imperial Order of French Society.

The Nobility of the Empire and the Entails.

. . . When France wanted to impose a uniform social order upon Europe, it was soon understood that even new constitutions could accomplish this task only partially. In Italy, in Spain, in Germany, in Sweden, even in Poland there were certain institutions, . . . particularly the principalities and the nobility, which resisted an adjustment to the social development in France. Napoleon had an opportunity to experience the power of these two elements particularly during his wars against Austria, but also in Italy and in Germany. These elements had withstood the impact of time. They were deeply rooted in the imagination of the populace. It was impossible to wipe them out without destroying the people themselves; they held all the power in their hands; they were the more irreconcilable enemies of the French rule; they symbolized the tremendous rift between the society of France and the rest of Europe. If the war against France grew out of these differences with such elemental power, the danger persisted that the war and the isolation of France would never end.

Such were the thoughts which Napoleon entertained, animated by ambitions which increased with each victory, when at the end of 1803 a third large coalition was formed against him. He considered him-

self powerful enough to accomplish anything in France, but not powerful enough irrevocably to subjugate all of Europe. Unless he was able to do this he had to make concessions to the European tradition in France. . . .

Napoleon never conceived of a greater and more comprehensive plan than the one which placed him on the imperial throne. By re-establishing the imperial tradition in France, he hoped to be able to reconcile Europe to the French Revolution. . . . He wanted to do what Louis XVI had attempted in vain, namely, to combine the principle of monarchy with those of the new society . . . and thus to prepare a common ground for the new social developments. In his person the idea of monarchy, with a tradition going back beyond recorded history to the Teutonic tribes, was to be reconciled with the idea of legal equality of recent origin. Through replacing the old royal family in France by a new one, he believed that he would be able to build a bridge between France and the traditional European principalities. To him his coronation as Emperor before the outbreak of the war was an act of European importance; and yet the consequences of this step only aggravated the position of French society. For the new imperial power based on elections by the people could not deny the right of the people for a new election. This Emperor was not "His Majesty by the Grace of God" who could take away the right of the people to new elections. . . . The French Emperor could not attain equality with the European rulers. Napoleon was well aware of it. And here, due to the tempting glory of the old principalities and to his aversion against all parties, he committed an error which endangered his throne more than the victories of the European armies. . . .

If the French Empire . . . could not possibly gain equal footing with the traditional monarchies, what could Napoleon still do? He had to win over to his side those elements of society from which his monarchy had emerged. His empire had been established through the participation and by the consent of the people. . . . Instead of aiming to become the equal of other European principalities, he should have sustained, strengthened and organized the specific social classes which supported him. He had to become a truly constitutional monarch and strive for a transformation of Europe by his example rather than by conquest. Instead, Napoleon assumed that he could find permanency for his dynasty by imitating the old European monarchies. . . . He re-installed the nobility in France, thereby destroying the unique social configuration of French society.

Already on May 19, 1802, Napoleon had established against vehement opposition, particularly that of the Tribunal, the Legion of Honor. Through this institution he wanted to adjust French society, which was based on equality, to the highly stratified societies of Europe; but it remained in spite of all efforts a purely military honor. . . . After his coronation, and after having defeated Austria, Russia and Prussia in two more memorable battles, he conceived the idea of "reorganizing the nation." The Tribunal—the only organ representing the revolutionary principles and defending equality against differentiation introduced by the Empire—was simply abolished on Sept. 8, 1807. Then Napoleon turned toward the basis of all social differences, to property, particularly landed property. We have shown how the old estate had been destroyed, particularly through those laws which introduced the division of large estates. These laws had been incorporated into the codes. But now Napoleon re-introduced the old inheritance laws . . . that "those estates which are the basis of a hereditary title which the Emperor may grant as a favor to a prince or the head of a family shall be hereditary." This decision was incorporated in the code in 1807 (Art. 896). It remained in force until 1835. It was simply the revival of entails. The groundwork for a new aristocracy was now sufficiently prepared. On March 1, 1808, the *Sénate Consulte* issued a complete order of the nobility re-introducing the old titles derived from feudal law. At the head of the nation there were again princes, viscounts, barons and knights; an imperial court with a rigid and brilliant etiquette provided the center for the new nobility; unable to assimilate Europe, Napoleon wanted to excel it, not only militarily, but also by his new social order.

France accepted all these spectacular experiments of her Emperor and the complete destruction of her liberties with equanimity. Without grumbling she tolerated the suppression of the press; she obeyed quietly when Napoleon changed the university to an institution of learning ruled and administered by him, and when he made loyalty to the Emperor the first article of faith in the education of children. It seemed as if he had gained his purpose with these risky regulations, as if he had mastered not only Europe but what had appeared more powerful than the whole coalition of European princes, the revolutionary society. . . . He appeared to be the absolute ruler, not only of the state, but also of society. The amalgamation of the old and the new world now seemed to make a European peace possible. It was not only love of glory which motivated Napoleon; his vision and farsightedness were understood only by very few. His true aim was

the unification of Europe. This is why he re-established the aristocracy. He stated: "I have created different imperial titles to prohibit the restoration of feudal titles which are incompatible with constitutional law, to reconcile the old with the new France, to put French institutions on an equal basis with those of Europe." This was what he considered indispensable, and he was right. The only question was whether his method was appropriate.

Indeed, if these institutions had actually played the role which they attempted to suggest to feudal Europe, namely, a reconstruction of the old society, the whole society from which the Emperor and the new, powerful France had arisen would have to dissolve. . . . All these new institutions, however, did not attack the basis of the new society, the principles of wealth, the distribution of goods, and civil law. Only in appearance did they put the social structure of feudal Europe and Civil France on an equal footing; only in appearance did they re-institute nobility and social differences. . . . Nobility in a feudal society distinguished itself from other social classes not only by its closeness to royalty, not only by its large possessions but essentially by the fact that the nobles as well as their estates enjoyed specific prerogatives and that private property in the form of land carried certain sovereign rights, particularly the right of manorial jurisdiction and manorial police. These were the functions which gave power and status to the noblemen, many of whom considered the royal families nothing more than the most powerful members of the nobility. . . . An estate which was not entitled to these rights, for all its advantages, was not a privileged estate. Although distinguished from the rank and file, its members had nothing in common with medieval nobility, no marks of honor nor property rights could possibly make them equal to the nobility. . . . If Napoleon had re-introduced the medieval order of nobility he would have destroyed legal equality and the administrative unification of the state; the *code civil* would have been nullified and the new administrative system would have been crippled. It would have meant the dissolution of modern France. This was practically impossible, and Napoleon himself did not even think of it. He simply bestowed titles and distributed property, rights of etiquette, emblems and uniforms—all the status symbols of feudalism—but he did not give the new title-bearers one single privilege.

What, then, was this "imperial aristocracy" of which Napoleon boasted? It was anything but real nobility; it was only a status group of large landowners under a different name. The whole scheme was a complete failure, one of Napoleon's great misconceptions. He antag-

onized society based on legal equality by making it fear a return of the old privileged estates, without creating a new estate which would support the throne. From this time on, people no longer looked at him as the personification of the new social order. From the time that Napoleon attempted to establish a new aristocracy, he no longer differed from the old monarchy except through his military victories. This was one of the major reasons why France gave him up quickly and almost unanimously after his military defeats.

There was one other point which seemed to favor the future of the new aristocracy, the entails. . . . All the vague notions about the nature, value and influence of the entails result from a failure to recognize the basic difference between feudal and civil entails. This error is due to the fact that both institutions are designated by the same term. . . . In a feudal society, any large landed property bestows a legal authority on its own. The rights of landowners are property rights, but the endowment with state rights transforms landed property into territorial domain. This bestows legal independence on the landowners. This is the true reason for the original indivisibility of the entails. Since each feudal lord had his own court, his own administration, police, laws and customs, even partly his own military service, the property could not be divided without upsetting the system of public administration. The very nature of these conditions made it necessary to transmit the land undivided. . . . The purpose of this rule was to preserve landed property as an independent legal entity (*Rechtskoerper*).

In civil society, property rights are not only equalized, but all administrative and legal authority is vested in the state. Even the huge estates are nothing but economic units. To preserve them as units means to secure revenues from these possessions. Indivisibility of entails does not create a new class whose members have superior legal position, but only a class with a definite, secure income. . . . The feudal entail preserves a legal estate within society; the civil entail only a social class; the former establishes absolute, the latter only relative inequality; the former is a logical consequence of the feudal principle of identity between property and public authority, the latter is an exception to the principle of the division of inherited land. The feudal entail preserves nobility, the civil entail only the large landed property. As an economic measure, the latter was subject to justified criticism; as a social institution, it had no influence whatsoever upon the re-instatement of the old nobility. The essential attributes of the old nobility—privileges and territorial domains—was

lacking; . . . the true amalgamation of the new order in France with the old order of the rest of Europe remained an illusion which deceived nobody except Napoleon. . . .

It will have become clear by now why French society tolerated all this silently. The basis on which this society rested had remained intact. . . . The true elements of French social life proceeded side by side with the imperial orders. . . . The future belonged to these elements; they knew it, and they waited undisturbed for their time. . . .

Concept and Origin of the Acquisitive Society

At this point we have to review the concept of society and the changes that have taken place since the Revolution.

The French Revolution in all its phases always re-emphasized one principle: complete equality of individuals before the law. This principle was so firmly established that even the Empire with its despotic institutions was unable to break it: equality before the law continued to be the basic principle of French society. . . .

Napoleon had coped successfully with a chaotic situation. The establishment of a new and stable order of society had been indispensable. Could France expect the new society to develop on the basis of legal equality? . . . If this was not the case, what other stabilizing forces could be mustered?

Equality before the law is essentially a negative principle. It denies privileges of one individual over another; it further acknowledges the individual as an independent unit of the community. The function of the law based on equality is only to protect the independent individual. Equality does not acknowledge any legal differences among individuals. . . .

All the institutions and organizations of the past had been based on differences in legal rights; it was the law which determined the structure of society. The new era had changed this. Legal inequality would have been contradictory to the new social order and a return to the former. It is, therefore, understandable that the principle of legal equality has been regarded as the main source of the whole Revolution and also as the basis of the new order. One has characterized—as Louis Blanc did in his history of the Revolution—this era as the epoch of individualism. Rarely has a greater and more deceptive error been committed. The prevailing opinion was that the new order of society which emerged from the Revolution was based on legal equality. This opinion is the result of a misinterpretation of society. Society is an order and therefore a system superordination and subordination.

Equality before the law refers to the independence of one individual from the other; therefore, it is the exact opposite of the principle of organizations; it refers to the factor which posits the independent individual outside the order. It is the negation of privilege as well as of subordination. Legal equality is incapable of establishing a social structure, . . . although such structure is indispensable to the human community. Equality before the law contradicts a social order of legal differentiation. It forces the community to accept differentiation by another element which allows stratification without endangering legal equality. What was this other element?

The impact of the French Revolution on Europe was in the first place directed against legal inequality and against a society based on status differentiation. As long as nothing was sought but the abolition of these differences the movement had a merely negative character. This inevitably leads to the question: What shall and will be the order of society if all are legally equal? This is the question of the immediate future; the answer will have to refer to the factors on which contemporary society rests.

Equality before the law abolished all individual or class prerogatives, which had, after all, been a matter of chance. If differentiation was to be re-introduced, it would have to be based on an element invested in the people and attainable by everybody. This element had to have the quality of uniting people and of organizing them. It had to further individual abilities while producing and preserving differences among individuals. . . . All these qualifications applied to property: it was available to everybody and yet unevenly distributed; it was in accord with the principle of legal equality and yet created differentiation.

With the introduction and acceptance of legal equality—no matter when and where—a new era for the role of property begins. As long as the social structure is determined by law, property serves only for the satisfaction of wants. As soon as legal equality is established, property rights are the only institution through which inequality, and thus a structured society, may develop; they become the formative elements of social organization. A totally new type of society comes into existence at this point.

If property has the function not only of satisfying needs but also of conveying social status, it must transgress the private sphere and must become generally accepted. . . . The individual must utilize his property because his social position is supposed to be based on it. Individual acquisition manifests itself in individual enterprise.

An enterprise cannot be run by a single person; it unites laborers and entrepreneurs into smaller or larger economic units; the unity of purpose of the various productive functions becomes crystallized in an organization encompassing managerial and operative groups. Private enterprise thus creates a difference between the two main elements, the entrepreneur and the laborer. Since this differentiation exists in any enterprise and thus permeates the whole economy, . . . it is the basic characteristic of acquisitive society.

At the same time, another economic difference develops which is of equal importance. Factories cannot produce for a single consumer, but only for large groups. A relationship develops among the various enterprises, which become mutually dependent. An acquisitive society thus develops a whole network of exchange, and the effective functioning of enterprises becomes dependent upon a rigid order of this exchange. . . . Gains and losses on the market may occur which are beyond the control of the entrepreneur; individual wants as a determining factor of the economy almost disappear; property is merely the basis of an acquisitive market economy. As such it is called capital. All other things being equal, a large amount of capital guarantees greater and more secure gains and tends to control the small enterprises so that a differentiation develops within the entrepreneurial class itself. The bigger capitalists make the smaller ones dependent in their business, subjugate them, and usually control the market. With the emergence of an acquisitive society, two entrepreneurial groups, whose relationship is not dissimilar to that between the factory owner and the laborer, usually emerge: the capitalists and the small entrepreneurs.

In a society of legal equality, property rights are the natural medium through which the individual can assert his worth. Therefore, the stages in the acquisition of property become the basis of differential individual prestige. Equality before the law is nothing but protection against any other difference except that of acquired property; it is the prerequisite, not the regulating principle, of society. . . . Possessions and property rights develop a new quality; by determining the social position of the individual, they become the basis of the social order of any acquisitive society. In contrast to a society characterized by legal status, we call this society the acquisitive society. Regarding the history of society, it follows that equality before the law, which follows abolition of legal differentiations, produces a social order determined by economic forces . . . The abolition of monopolies, privileges and guilds is followed by a rapid increase in entrepre-

neurial activity. The former dependence on the privileged is replaced by a dependence on the owner of capital. . . . The acquisitive society, by making equality before the law its only prerequisite, is necessarily opposed to any political power which would favor inequality before the law. But beyond that, the acquisitive society is indifferent to constitutional law as long as legal equality is preserved. . . .

Now let us go back to the realm of social life . . . and ask ourselves: what was the basis of the social order against which Napoleon struggled in vain with his nobility and his entails, and which nevertheless . . . was not acceptable to the old order? . . . There is no doubt that this society was the new acquisitive society. . . . When Napoleon first appeared on the scene there was but a multitude of individuals; a condition of pure legal equality prevailed without a social structure. It was Napoleon's mission to leave this situation undisturbed, to eliminate the interference of public law in society, and to monopolize public authority. The new society continued to grow under his rule; naturally and slowly, but firmly, the new acquisitive society, the organism of the human community, developed side by side with the organism of the state. His power was finally limited by the new social order, which he did not understand, although he had given it more support than any other ruler. It was the new social order which opposed the creation of a privileged new nobility as well as a transformation of the entails into territorial domains; it reduced titles without an economic basis to mere words. This was the society which Napoleon feared while he was trying to recreate elements of the old order which would support him. He served the acquisitive society as long as he was powerful; it finally dethroned him because he threatened its existence. This new social order, which appeared negligible and weak, was in fact, very powerful.

However, the new society under Napoleon was still young; if one sets its beginning with the Constitution of 1799, it did not yet extend over half a generation. . . . During this period, the first decade of our century, three groups of the acquisitive society were still closely affiliated with each other. The worker could become an entrepreneur, the entrepreneur in turn a capitalist; tremendous chances of industrial growth opened an opportunity for everybody, and the government endeavored to assist all enterprises by all means. . . . The Continental system practically forced the people to develop new enterprises. Spinning mills for wool and cotton were introduced, the beet root sugar industry was established; in fact, industrial produc-

tion in continental Europe began only at this period. The Emperor supported it wherever he could, while he attempted in vain to re-institute nobility; actually, he was the most powerful patron of the elements tending to destroy forever nobility and privilege. . . .

It is of great importance that the very war which Napoleon waged against the foreign enemy favored the growth of the new society in France in a peculiar way. The new social order was not so much threatened—as will be seen later—by the foreign powers or internal despotism, as by the opposition between labor and the property-owning entrepreneur. This opposition was effectively counteracted through the war. Any war has to make use of the larger part of the propertyless population. On the other hand, anybody who is willing to risk his life for what he wants to attain can force his way to the top: fame, wealth and opportunity are offered to everybody who is bold and strong enough to act. Under the flag of a great commander, anybody who is not bound by property to a definite domicile finds what he wishes. By fighting for himself he, at the same time, fights for the glory of his nation. Neither Napoleon nor his marshals forgot that they, too, had come from the lowest ranks. In this way, the propertyless, during the war led an existence in which the class antagonism of the acquisitive society did not exist. The factors which unite the propertyless into a class—the large number of competing workers and the lack of opportunity for improving one's lot, the source of hatred against the property owners—were missing.

This was true for the soldiers of Napoleon's army. By withdrawing them from industry, competition among the remaining workers was reduced. Whoever remained could dictate the price of his labor because he had become indispensable. He now had a good chance for making a profit and for the acquisition of property. . . .

These circumstances contributed a great deal toward the realization of the law of social development, the steady growth of the acquisitive society evolving from the principle of equality before the law. Usually it takes a whole generation to build a new society from the ruins of the preceding one; here it was accomplished during one decade. Although during the period of Napoleon's brilliant reign there was not yet any chance for the new society to participate in politics and in extending its activities beyond the sphere of economics, France was, according to the unanimous opinion of all contemporaries, internally strong and flourishing as never before.

Transition to the Next Period

The acquisitive society based on free economic activity was the new social order growing out of the principle of equality before the law. The future of Europe was to be determined by it, its problems were to become the problems of our own generation. . . . This is inevitable according to the law of social dynamics. . . .

If it is true that the order of society is necessarily reflected in the constitution of the state, the question arises as to what kind of constitution is appropriate to the acquisitive society. Under Napoleon the new society had only begun to crystallize. Later, however, it could not possibly remain neutral toward political developments without contradicting itself. The assertion of the acquisitive society in the constitutional and administrative sphere is usually called the period of Restoration, thereby adopting the name of the defeated rather than the victorious element. It would be more appropriate to call it . . . the period of citizenry. . . . The contradiction of the acquisitive society to the Napoleonic system began to show, after this society had grown strong enough, by the very despotism it had called for during its infancy and which finally became intolerable. The era of citizenry was established by the July monarchy. Only then, during the reign of Louis Philippe, the theoretical problem became a practical one: whether the acquisitive society provided the satisfactory framework for the fulfillment of man's destiny. . . . Socialism and communism are the theoretical attempts toward solving this problem. The history of the Second French Republic records the practical effort to cope with the emerging contradictions.

Part One, Chapter Three

THE RESTORATION

ORIGIN, STRUGGLE AND VICTORY OF CIVIL SOCIETY

The social implications of the era of the Restoration have been understood more clearly than the period of the Empire, of which usually only the external events were recorded. The reason for that may be that with the Restoration the new market economy had become an established fact and determined the course of events, while during the reign of Napoleon the new elements had only begun to take shape. But nevertheless, the most important institutional principle, which later spread all over Europe, had not yet been formulated. This is the concept of citizenship. During the ensuing period a specific, though not yet clearly discernible, social life developed. It is the era of the Restoration, which led to the emergence of a clear and distinct concept of citizenship in France unparalleled by any other nation. . . .

The Acquisitive Society and the First Principle of the French Constitution.

. . . In the growth of the acquisitive society a principle other than that of being conditioned by equality could be discerned; it can be explained by the events of the period. An acquisitive society develops when the abilities of the individual, stimulated by the processes of acquisition through business and enterprises, finally also determine the order, not only of these abilities, but also of the personality structure of the individual. The specifically economic activity, or the participation of the individual in acquisitive pursuits, e.g. in mechanical labor or in the management of enterprises, changes from a temporary activity to a specific occupation determining the whole social existence of the person. It affects the totality of his life; it focuses all his thoughts on one center; it teaches him to rate all his abilities with reference to their suitability for this particular economic function; some elements in his personality useful for this purpose will be highly developed,

while others—although they may be of a more noble nature—wither away. The individual becomes in a way the servant of a specific task. . . . The occupational role of the individual will affect him and his family throughout his whole life. It causes the father to educate his children in a specific manner. Depending on economic success, the family may offer to the children a better or more limited education and develop or thwart their abilities. Because it is easiest to teach what one knows best and because it is extremely expensive to hire teachers, the family creates a situation in which, as a rule, the children will be educated to the business and profession of their parents. In this way the order of acquisition is already consolidated within the family. The social position, the skill, the intellectual orientation as well as the economically determined environment, eventually become hereditary. Slowly but irrevocably a stable, secure and almost self-propelling society develops out of the mere order. The emergence of such a society becomes inevitable as soon as acquisition has been accepted as the basis of social life.

Obviously this society is not a society of complete liberty, and even less a society of equals. Yet, having grown out of the concepts of liberty and equality, it is indeed closely related to these concepts. . . .

The complete domination of the personality over the forces of nature is the aspiration of man. . . . This can only be accomplished if the community of men, by an intricate method of division of labor, cooperates for the exploitation of the available raw materials. . . . Only the common effort of all men will enable the individual to control and enjoy the resources of nature to an extent to which he could never have done it alone. Nor does he work only for himself; his work benefits everybody else. As a single person he is a negligible entity in the acquisitive process of the whole society, and yet he gains more in the distributive process than his isolated efforts would have ever made possible. . . . The wealth of the individual is the result of the labor of all, and, . . . at the same time, the basis for reaching his inner destiny, his intellectual development. This development is dependent upon the organically operating, acquisitive activity of all the people; it is secure and complete only when the order of acquisitive powers changes from a casual and transitory order into a steady and permanent one. This happens when the order of acquisition is transformed into a social order, the acquisitive society. The acquisitive society . . . represents a stage of development where man, in fact, accepts the "community of wealth" as the condition which enables him to gain control over nature.

The law of acquisition to which society submits during this period appears to the individual as a state of greatest personal freedom and independence. Not only is he free to choose his occupation, his profession; the rule of acquisition actually demands that he follow the calling most suitable to him, because one does best what one likes to do, and what one does best will be most valuable and remunerative. Moreover, this law does not bar anybody from his chosen profession. If ability is assisted by good fortune, even the lowliest person may be able to reach the highest social position. Everybody is on his own, and social prestige depends entirely upon the individual himself. . . .

Such was the general character of the society which took shape under Napoleon's regime in France. It spread farther and farther over the rest of Europe, partly through France's aggression, partly because, in the other European countries too, the elements of the new society were already present. In retrospect, one recognizes the close relationship of these changes to the very beginning of the social revolution. When the legal privileges of status had been abolished by the Declaration of the Rights of Man, property became the main principle of the new social order. . . . As such it affected the individual owner but not yet society. The potentialities of property develop fully only in the acquisitive society. . . . The social order of a market economy represents the unfolding of the principle of free property rights as the basis of the social order.

This society has also its inner contradiction, which is as yet unsolved. However, before it becomes noticeable the new social order must be fully developed; it must extend beyond the sphere of individual life and must have subjected the constitution of the state to its own laws. . . .

The constitution of the acquisitive society has its own peculiar character. It depends on the guarantees of civil law and on the security of acquisitive activities. In the acquisitive society, with its rigidly interlocked parts, a strong conflict of interests develops, as well as an interminable struggle between all competitors. The first constitutional principle of an acquisitive society is determined by this contradiction. All enterprises are built on one commonly accepted principle: the inviolability of property rights. Property thus determines the social position of the individual. The non-owner is therefore excluded from entrepreneurial activity and becomes the opponent of the property owner, who controls his personal and social life. If these two basic social forces of the acquisitive society were to confront each other

in isolation, a struggle for property rights, a disruption of the acquisitive process, and the downfall of this type of social order would be the inevitable result. If the owners were to completely control the non-owners, liberty, the basic prerequisite for acquisition, would be destroyed; on the other hand, the rule of the non-owners would abolish property, which is the very basis of the acquisitive society. The first task of a constitution corresponding to an acquisitive society is to solve this contradiction.

Secondly, it is quite natural that each individual considers his specific occupation to be the most important. Everybody, therefore, will want to promote his own interests at the expense of his fellow man. As a result of this . . . innumerable contradictions will arise. The victory of any one economic group may by its selfishness undermine and ruin all others. . . . A solution can only be provided by a stable state power which is independent of all particular interest groups. . . .

Only the state, being neither owner nor non-owner—although related to both groups—is the representative of the inviolable law. Only the state is able to safeguard property and acquisition; only the state stands apart from the struggle among the various economic interest groups, it cannot ignore one group for the sake of others, because the disadvantage resulting from such partialities would harm the whole and thus also harm the state itself.

This describes the position of the state within the acquisitive society. The first principle of the constitution has therefore to be above everything else the independence and stability of the supreme political power. One may also reverse the above statement and say that wherever people demand an independent and stable state power, an acquisitive society has emerged. The specific form of the state is relatively unimportant for the social order. . . . The acquisitive society is neither dynastic and monarchical, nor aristocratic, nor republican. All it wants is a state independent of the influence of particular interests. . . . This explains the origin of the July Revolution. If the state identifies itself with a specific section of the people, the whole society is bound to become its enemy. . . . The outbreak of the revolution is not so much the consequence of one particular state act but of the consolidated existence of an acquisitive society. . . . French society was willing to tolerate Napoleon because a sovereign ruler has seldom done more to support this social order; seldom has a state supported all sections of the economy as fairly and impartially as did the Emperor and his administration. However, this is not the only quality which society demands from the state.



*The Concept of Citizenship, of the Civil Constitution
and of Civil Society.*

It lies in the nature of the supreme political power, in order to safeguard the individual, to regard all elements of society as subordinate to the needs of the state. No matter what its form may be, the state is the master of the whole external life of man. The nature of this highest temporal personality is so powerful that . . . the individual, in times of danger, does not hesitate to sacrifice all his belongings, his health and his life for the sake of the state. It is a misinterpretation of the concept of liberty to assume that this condition changes through the establishment of freedom. Free nations especially bring the greatest sacrifices to the state; the state is their unrestricted master, just as it is the master of a subjugated nation.

If liberty nevertheless does have any meaning, this meaning must be found in the fact that the will of the state is no longer independent of the individuals but rather reflects the organic unity of the reasonable wishes of the people. . . . Liberty is not freedom from government; it is self-government. This abstract principle of liberty had already been considered during the last century by French as well as other European ideologists. However, the actual life of the state is determined at every point by the social order. The French Revolution illustrates the fact that the abstract principle may be capable of ruling temporarily; the final course of the Revolution, however, showed that a permanent order of the state has to be based on a permanent order of society. What kind of society is it which of its own accord demands the realization of the principle of freedom?

The pursuit of profit forms the basis of the acquisitive society and is, therefore, at the center of the life of each individual. It is the end-in-itself to the individual, because it determines individual development and his enjoyment of life. If another independent will exists, it threatens individual independence, which is the basis of the free pursuit of gain. Such is the case when the state, as under Napoleon, is merely an administrative state, altogether separated from the people.

The contradiction arising out of the separation of society and the state constitution, which characterizes the Napoleonic era, manifests itself in the dependence of the free economy upon the state. This contradiction can be dissolved only by popular participation in the political decision-making process. A free economy remains free only if the acquisitive people rule the state. The organism which safe-

guards their participation in government is the constitution. The free market society requires, by its very nature, a constitution that guarantees the organic self-government of the people. However, popular participation in government should not endanger the sovereignty of the state. The acquisitive society, as a specific social order, has a particular character which expresses itself in the constitutional principle. The acquisitive society needs, above all, a strong state, a need which in turn conditions and limits the need for a constitution. The constitution should guarantee the political rights of the people while also upholding the independence of the state. The constitution of an acquisitive society, therefore, differs on the one hand from an absolute monarchy and, on the other hand, from political democracy; it attempts to establish a system of popular representation without violating the independence of the personal state.

Two principles peculiar to this type of constitution may be derived from this fact: the inviolability and sovereignty of the head of the state—regardless of whether he is a monarch or a president; and secondly the responsibility of the ministers. . . . No civil society is conceivable without these two features. They reflect the relationship between constitution and state authority. Another problem is the relationship between the constitution and the populace. Since it is the principle of free acquisition which reigns in a representative state, free acquisition ought also to be the condition of participation in this representative government. Any acquisition depends on two factors: labor as well as capital. . . . Only labor combined with capital secures a social position; only by combining both is it possible to attain the ultimate goal of individual development. In such a society only the combination of labor and capital can secure the right to participate in public life. In such a society the mere laborer cannot possibly be accepted as a fully valid member of society. Equality in public law . . . can be bestowed only upon the laborer who owns capital. . . . By acquiring, on the basis of this principle of acquisitive property rights, the right to participate in the decision-making process of the state through the election of representatives, he becomes a full-fledged citizen (*Staatsbürger*) a participant in state action instead of a mere subject. Citizenship is a concept according to which ownership, the acquisitive unit in a market society, entitles the individual to equal participation in the decision-making process of the state. . . . There is only one method by which acquisitive ownership can be recognized, i.e. by the taxes paid to the state, because only through taxes does property acquire a reality for the state. . . . The principle was established

as soon as the acquisitive society became stabilized; the tax return, as a symbol of acquisitive ownership, became the condition of participation in popular representation. . . . It is the evaluation of people on the basis of their tax returns which reflects the identity of this society with the state. . . . This is the main difference between this type of constitution and the purely democratic one. The democratic constitution is based on equal voting rights. It thus unconsciously makes labor into the only decisive factor in society. In most respects it is quite similar to the constitution of an acquisitive society. It differs essentially through one major aspect; this difference in principle is indicated by the tie between voting rights and tax return, no matter how small the latter might be. . . . Through the divorce of labor from capital, and through the property requirements, the citizens in the acquisitive society are divided into two essentially different classes, one participating in the government, the other composed of mere subjects. Although it is possible for anybody to cross the dividing line, this line nevertheless does exist. . . . This separation . . . gives the acquisitive society a new and peculiar character. A deep schism develops within the organism of work and of acquisition, and the whole, thus split, is characterized by a new concept. While the acquisitive society envisions all its various elements as one unit, in which all parts belong together, it becomes, divided into a ruling and a dependent class on the basis of property and taxation, a civil society. This, however, is apparent only after the civil constitution has been established. . . .

We now return to the history of France under Napoleon. . . . Under his reign the acquisitive society had become an established and stable order. . . . It was inevitable that this society should finally enforce the enactment of the civil constitution in France. . . . Once the acquisitive society was securely set up, Napoleon's unique historical mission was fulfilled. The time was ripe for the downfall of his system; . . . contemporary events facilitated such a development. This explains a number of otherwise obscure facts concerning the period of the decline of Napoleon and the establishment of the new monarchy. If Napoleon had been victorious in Russia, he might have possibly postponed the establishment of the civil constitution for a few years. But it finally had to come. . . . Napoleon laid the foundation for the acquisitive society, the end of his regime brought the civil society to power; the history of the civil society in France begins with the retreat of the great army.

*The Fall of Napoleon, the New Monarchy and
the Charter of June 4, 1814.*

The great army of the Emperor was destroyed by the winter of 1812. Europe had arisen. Napoleon was defeated; the allied armies entered France. The Empire was in serious danger. But Napoleon himself was not yet discouraged. In fact, France had faced more serious situations before; when the Convention had declared a state of emergency, the frontier had been more vulnerable than it was in 1814. At that time half of France was in revolt, while it was obedient now; in those days the army was neither a strong organization, nor was it led by a great general, nor was it well supplied. Napoleon was the greatest commander of his time, and his army was the best in Europe. What was it that made France—wealthier, stronger and more flourishing than ever—drop her Emperor and surrender to foreign powers?

Two factors which will now be well understood caused the change. Napoleon, whose power had been built on the greatest rigidity of the principles of absolutism, was a declared enemy of popular representation. He knew that popular representation would make the state the servant of the ruling class within the new society. He would rather surrender France than his absolute sovereignty. The members of the new society, which was thus far without political power, knew this very well; they had to press for political rights in the framework of a civil society. There was only one man who opposed this development. The nature of society was stronger than even the emotions of national honor and Napoleon's popularity. Napoleon had to rely only upon his army, and the army alone could not defeat the Allies. French society abandoned the man under whose auspices it had grown up.

On the other side, the old European feudal society was deeply shaken by the war. The victories of Napoleon had demonstrated the impotence of state power based on feudalism. There was no hope for the defeated states of regaining their former position on the basis of the old social order. They had to call upon the elements of the new society in order to defeat Napoleon. They had to promise to their populace a civil society, which means a system of public law corresponding to an acquisitive society. The proclamation of Kalisch was the great event by which the German states dissociated themselves from the

old society and accepted the new one. This proclamation had, especially for Germany, the same importance as the Declaration of the Rights of Man had had for France. Napoleon was defeated in the name of the Constitution. On the basis of this hope the German people abandoned the cause of Napoleon; the fight against Napoleon became the struggle of the emerging civil society against despotism.

What was it that France desired to accomplish? Indeed, it was nothing else but what her enemies had fought for when they had fought against Napoleon. The secret opposition against the Emperor was animated by the same ideas which permeated the German armies. The course of events depended upon the strange fact—which illustrated clearly for the first time the deep difference between state and society—that French society was the natural confederate of the Allies against French state power personified by the Emperor. Napoleon had defeated each of these two adversaries separately. When they came to realize that they had a common cause, he recognized his error too late. A feeling of complete isolation, leading to despair, befell him. Napoleon abdicated. The cause of the acquisitive society had been victorious, and the era of civil society dawned.

After Napoleon's abdication the problem of the new power in France became acute. Two facts had a decisive effect at this point. The new France had to establish a new state in harmony with the other European countries; and the interests of the acquisitive society had to be safeguarded. Only the former could re-establish the friendly relationship between France and the other European states, and only the latter could provide a secure basis for the new state at home. At the time, these considerations were not discussed theoretically; the politicians, however, fully appreciated them. They demanded the enthronement of Louis XVIII as King and at the same time obliged him to issue the Charter, the new constitution of society. It did not make any difference whether or not he himself had formulated it. The decisive fact was that the constitution transformed the acquisitive society into a civil society, accepting the monarchical form of government combined with a system of popular representation, whose organs became the two chambers of the legislature. The restoration of Louis XVIII brought peace with Europe, while the Charter brought peace with the French people.

Only a lack of understanding of the social movements can explain the fact that the enactment of the *Charte constitutionnelle*, which is one of the most important and magnificent events of European history, is usually mentioned only incidentally and that no great importance is

accorded to it. Actually, a completely new era in European history had been inaugurated by the *Charte constitutionnelle*. All former constitutions of revolutionary France, as well as the constitutions imposed upon defeated countries, had been considered antagonistic to the traditional state order. The *Charte constitutionnelle*, however—the price which Louis XVIII had to pay for the throne—constituted the formal acknowledgement that Europe had relinquished feudal society and was entering the era of civil society. What up to this time had been enforced by French military power was now accepted voluntarily and as a matter of course by European diplomats; the Charter of Louis XVIII is the beginning of the constitutional epoch in Europe.

On the other hand, the new French Constitution was also deeply influenced by events and developments in the rest of Europe. Feudal society had been undermined in the other European states but by no means destroyed. Civil society was accepted there, but it was not the only existent form of society. The society of Teutonic Europe presented a strange picture, which must be visualized in order to understand not only the Charter but the whole development of European public law. This society consisted simultaneously of two essentially different systems. It included elements of feudal society and feudal rights, property rights in public domains, privileges of the aristocracy and the estates—social distinctions which were quite conspicuous—side by side with elements of civil society with a free, growing industry, with acquired property, with equality in the field of civil law and the claim for popular representation. It is this mixture of elements which has characterized the condition of Europe since 1815. Two such contradictory elements cannot possibly coexist permanently. Sooner or later the struggle for supremacy was unavoidable. However, during those years, the great common effort had for the time being covered up the differences. It was assumed that the coexistence of the incompatible was possible. Those who knew better and who were aware of the inevitability of coming events demanded only a period of public security. Peace prevailed on the surface of a society which carried the seeds of war in its foundations but not yet in its consciousness.

A problem arose which was to test the viability of this situation. It is society which determines the constitution. Up to now, the intrinsic similarity of the social order had brought about similarities in the constitutions. The latter had changed with the former, but each constitution had been an organic whole. Now for the first time it became necessary to represent two essentially different social systems by the same constitution; it became necessary to draft a constitu-

tion which reflected both a society of estates and a civil society. This was the task of the European countries which wanted to adopt constitutionalism. If France wanted to cooperate harmoniously with the rest of Europe, she had to accept a constitution which recognized both these systems.

The Charter of 1814 was designed to accomplish this. It was the beginning of the bicameral system characteristic of the new era, which was soon to demonstrate its inner contradiction in France. France was different from the other European countries, because it had no remnants left of the feudal order. To establish a common social foundation with the rest of Europe, she had to facilitate the re-emergence of a hierarchical society by means of the constitution, while, in reality, the given order of society ought to determine the constitution. This peculiar attempt, altogether new in the history of constitutions, was reflected in Article 24, which established a Chamber of Peers which shared the legislative power. Originally, the king was authorized to grant lifetime peerages only (Article 27). But this was in contradiction to the principle of differentiation by rank and hereditary status. The ordinance of August 19, 1815 rectified this situation by declaring peerage to be hereditary according to the laws of primogeniture. Membership in the Chamber of Peers was determined on a completely different basis than membership in the Chamber of Deputies: the deputies were elected on the basis of property qualifications. The coordination of both chambers seemingly represented the unification of both social systems into one constitutional body.

However, this attempt to reverse the natural course of events proved to be a complete failure. The Peers were supposed to replace the nobility, but a nobility without privileges and legal authority was a nobility in name only; landed property and privileges were its true foundation; this foundation had been destroyed by the new inheritance laws. Neither the few remaining entails nor the institution of Peership could prevent the final disappearance of the nobility. The Chamber of Peers never had any influence on the course of events in France. It was too weak to maintain a rigid status differentiation, and too strong for the unhampered rule of a civil society. With regard to the rest of Europe, the Chamber of Peers was nothing but a concession of civil France to the feudal elements of its neighbors; it was a handicap for France's development without actually being an important antagonist of the new society. Its history and its downfall provide a striking evidence of the fact that constitutions cannot shape societies and that no part of the constitution will endure and exert influ-

ence unless it is representative of specific elements in society.

Another factor of the new Constitution was of far greater importance. In discussing the early stages of the acquisitive society, we mentioned the emergence of an independent social element, the moneyed classes. Although capital accumulates only within the acquisitive society, it acquires specific characteristics which place it in opposition to the interests of labor. This antagonism develops only when the acquisitive society is fully established. Little knowledge about social relationships is required to comprehend the relationship between capital and the emergence of a class society. Once citizenship was accepted as the principle of the new constitution, a hierarchy within the acquisitive society had to be established which gave capital the right to participate in governmental decisions to the exclusion of the two other factors of the acquisitive society—labor and entrepreneurial activity. The method of accomplishing this was the institution of property qualification. Articles 38 and 40 of the new Charter stated that only those who paid a direct tax of at least 1000 francs could be eligible for membership in the Chamber of Deputies, and that only those who paid at least 300 francs in taxes had the right to vote. Such a tax could only be paid by actual capitalists. The new property qualifications, unlike those of the Constitution of 1791, were not designed to grant full citizenship to all members of the society who represented either labor, entrepreneurship or capital. It did not, like the Constitution of 1791, attempt to make civil society identical with the acquisitive society. The new property qualifications were rather supposed to bring about a deep and far-reaching cleavage of society by identifying citizenship with capital ownership only, while all other elements of the acquisitive society were excluded from political representation by the new Constitution. The expectations placed in the new property qualifications were not only of a negative nature; they were intended not merely to exclude the population at large from politics; rather, it was hoped that the new representative government, being the agency of a single class of the acquisitive society, would make common cause with the status society and with the reaction. However, this kind of reasoning had not taken into account the power of the monarchy.

If one applies the laws which determine the relationship between social classes and the constitution to the Restoration period in France, one can predict the inevitable course of events. Once the new French society had been fully established as an acquisitive social order, the Chamber of Peers would have to be discarded as a useless institution; in addition, the contradiction embedded in the fact that only capital

owners were full citizens would eventually force the small entrepreneur into a close alliance with the laborer in order to reduce the property qualifications to a minimum. The time for the attack on the Constitution could not be predicted, but it was approaching. The elimination of property qualifications would mean the final victory of the acquisitive society. Since the attack was bound to accentuate the opposition between capital and labor, it was inevitable that the deep inherent contradiction of the acquisitive society would become evident. The later this happened, the greater would be the chances of the laborer to become an entrepreneur and the chances of the entrepreneur to become a capitalist. This date drew closer as the chance of individual advancement within industrial society diminished. In any case, the struggle between these two sectors of the acquisitive society could not be avoided forever. The excessive property qualifications would become the immediate cause of the conflict which would destroy the harmony of the new social order.

Nevertheless, there was no trace of any struggle for the next fifteen years. Quite to the contrary, all parts of the population were unanimously opposed . . . to the supreme power of the state personified by the king. The reason for this cannot be discovered in the social order. It is the monarchy itself which, by completely misinterpreting its natural function, generated the antagonism of the whole population; in its struggle against the contemporary trend it demonstrated the compelling force of a social order striving for an adequate constitution indispensable for its survival.

The era which covers these events is the Restoration Period. There is not much to be said about it. It did not create anything; it has enlightened only a few. It could have demonstrated the power of monarchy if, according to its true function, it had dissociated itself from the opposing forces in society, and if it had supported the natural trends of society with wisdom and strength; it only demonstrated what monarchy cannot accomplish if, in conflict with the social order, it wants to force the government to take sides against the population at large. The era of the Restoration had only a negative function. It delayed the full emergence of a civil society and the manifestations of its contradictions; but it did not affect them. We have to start our discussion of the Charter of 1830 by asking the same question we asked when we completed our discussion of the Charter of 1814.

The Restoration and the July Revolution

If Louis XVIII had returned to France alone, history would have

taken a different turn. But with him, and mostly against his wishes, both the emigrants and the old concept of monarchy—which had given rise to the Restoration and brought about the July Revolution—also returned; both have been sufficiently described although not sufficiently interpreted. Their true significance lay in their relationship to civil society.

The emigrants had been brought up within the framework of the feudal law. According to this law, the basis of social differentiation is the accident of birth rather than the merits of the individual. The civil society is basically uninterested in the prerogative of birth; personality and success, the rise from laborer to capitalist, constitute its standard of value. These two principles and the social orders based upon them are irreconcilable. . . . The concept of feudal law subordinates commoners to the nobility; it cannot tolerate equality established by constitutional law. . . . Since nobility cannot exist without privileges, public law based on status—if not in its conception, then certainly in its consequences—necessarily had to re-establish the principle of inequality before the law. Legal inequality has to begin with landed property. Side by side with landed property, subject to parceling by inheritance, indivisible large estates have to be established in all sections of the country, not only as an exception as was the case with scattered entails, but as a rule. In order to avoid a situation where, as in England, differentiation is only a matter of size, landed property has to be endowed with sovereign rights, particularly judicial and police power. Only then does a basis for a true aristocracy exist.

Social conditions in the new France depended, as we have shown, precisely upon the dissolution of legal prerogatives. The Chamber of Deputies, although representing, due to the restrictive qualification of voting rights, only the capital-owning class of the new society, was nevertheless the natural defender of the new civil society against any attack. If the emigrants wanted to re-establish their rights, a basic attack on the constitutional position of the Chamber was inevitable. Restoration of former conditions was possible only after the destruction of this institution.

A direct attack on this institution was impossible. The assault had to be made at its weakest point, at a point where the authority of the Chamber of Deputies was not clearly delineated. This weakness presented itself in the relationship of the Chamber of Deputies of the king.

Every civil constitution accepts as a first principle the absolute independence of the state; another accepted principle is that of popular representation. Every civil constitution—in contrast to a democratic one

—tends to subjugate the state to society as far as this is compatible with individual freedom. Where is the dividing line between these two principles? Who has to resolve the case in which the king considers his independence threatened by a decision of the deputies? Who, furthermore, has the decision-making power if the king considers it necessary to expand his own authority while the deputies hold the opinion that such a measure threatens the basis of a civil society? . . . It is obviously here that a discrepancy between constitutional law and practice develops. . . . The danger grows if the king is convinced that the stability of his state power is secured only by the re-introduction of status differentiations. . . . In this case the monarchical principle merges with the principle of a status society. Through this alliance the latter gains a foothold in civil society. . . .

This coalition and its manifestations, which had already appeared, though rather unintentionally, during the early phases of the Revolution, represent one of the most important developments of Teutonic history; it had a greater impact on modern history than anything else. . . . It is this alliance to which the often used as well as misused. . . concept of "reaction" refers. Reaction is identical with the principle of feudal society and feudal monarchy with their law and glory, the inevitable fact of their existence fighting civil society. The power of reaction depends on the fact of whether the status-seeking elements represent merely the demands and hopes of a party or whether they formally represent part of society. The reaction in France is distinguished from the reaction in other European countries by the fact that, while the nobility in other European countries had been preserved, it had to be newly created in France.

Related to the concept of reaction is the concept of "constitutional opposition," which also derives its true significance from social contrasts. This opposition is also based on principles; . . . just as reaction represents the feudal principle, constitutional opposition represents the civil principle. In a clear cut civil constitution—just as in a democratic one—there is no opposition. The function of the opposition is to fight by constitutional means the still existing feudal elements inimical to the constitution. . . .

If the nobility were to oppose the civil elements in society, civil war would follow. Civil war is not a war between citizens but a war against the class which is in power by a social class excluded from and suppressed by power. . . . To avoid civil war, or at least to postpone it until victory seems certain, the nobility has to identify itself with the monarchy and let the crown lead the attack against civil rights. An

increase in the power of the crown will increase the chances of success. The first necessary task of all reactionary movements, therefore, is the removal of monarchy from the control of popular representatives. If the crown stands above the constitution, the status society will re-emerge from the ruins of a civil society.

The battle begins when the crown takes sides in the struggle among the various elements of society. As soon as this happens, the constitution is threatened, because it cannot tolerate any power besides its own. The survival of civil society is inextricably linked with the preservation of the constitution, which is a reflection of the social order. As soon as the constitution is attacked, the struggle can only be determined by the force of arms. Any reactionary movement, as soon as it has won over the crown to its side, necessarily leads to an open revolution.

This was the case when Louis XVIII ascended the throne. As a brother of Louis XVI and a man of the 18th century, he nursed a deep aversion against the new society, and still more against the principles on which it was based. The goal of his aspirations was the revival of the old feudal monarchy. But he was also well aware of the fact that only at the price of restoring the old royal power would the Holy Alliance keep him on the throne. His inclination, as well as his life's history, put him altogether on the side of the reaction. But at the same time, he was a shrewd politician. He knew his people better than did either of his brothers; even though he hoped that the reactionary system would finally be victorious, there was nothing he feared more than the sudden outbreak of an open hostility. This was the spirit of the reaction under the first Bourbon of the restoration. Louis XVIII convoked the famous "*Chambre introuvable*" which, in a true reactionary spirit, immediately made a heavy attack upon civil rights, suppressed the press, encroached upon individual liberty, and even suggested the revision of not less than 13 articles of the Charter of 1814. Doubtlessly this revision would have re-instituted royal sovereignty by suppressing the rights of the Assembly; the Constitution would have been annihilated, and France would have been driven to the brink of a second revolution. Louis XVIII did not permit this to happen. To the great distress of the royalists, he dissolved the Chamber on Feb. 5, 1817 and issued a new election law announcing the new elections to be held according to the regulations of the Charter. This step gave at least a certain latitude to the civil society. But opposition, though weak, continued. Ruthless intervention of the police was in vain; having only a repressive function, it was able to crush a revolt but could not interfere with the principle and the various group activities of society. Other less obvious means of coercion were applied. On

the basis of the assumption that the moneyed class was the natural ally of the feudal elements, money was given a broader representation. (June 1820) . . . But the opposition was by no means broken; on the contrary, it grew from day to day in numbers and strength. The rise of the Carbonari indicated that the suppressed class of society was preparing an attack against the forces of reaction; the constitutional means of the government to interfere were almost exhausted. Louis XVIII, who due to his intelligence had avoided extreme measures, began to view the future with pessimism. Before he died at the Tuileries in 1824, he put his hand on the head of the young Duke of Bordeaux and said prophetically: "May my brother manage the crown of this child." His apprehensions were altogether justified.

Charles X came to the throne at a time when all Europe was certain of the final victory of reaction. France alone still had a citizen-state. Charles X considered it his task to subject France again to the ancient law. Proud and firmly convinced of his principles, he made no secret of his conviction. All the elements of the new society saw in him the enemy of the new social order and the principles of this order. Sensing that such a contradictory situation could not endure, they prepared for a showdown by organizing all elements opposed to a status society. The King, on his part, decided to use power in order to strengthen his position. The Constitution itself offered him an opportunity for that.

We mentioned that every civil society leaves one point in the constitution necessarily open to interpretation. This happens as a result of the conflict of the two main constitutional principles, according to which the king is subject to the constitution and yet the institution of monarchy is preserved. This lack of clarity is reflected in the various constitutions in various ways. The Charter of 1814 contained, in a final statement in Article 14, the following passage: "The king issues the necessary regulations and edicts for the execution of laws and the safety of the state." This was an area where royal power could exercise supreme power without the participation of the representatives of the people. According to the nature of things, the king could enforce certain measures independent of the legislative body; but where were the limits of his authority? The limits of his authority could not be imposed by the deputies. It was up to the king to decide what he dared and what he did not dare to do.

King Charles was convinced that he could not increase his power by traditional constitutional means. On the basis of Article 14, he ventured openly to challenge the Constitution. On July 25th, 1830, he issued

three executive orders cancelling freedom of the press, dissolving the chambers, and publishing a new election law. This act has been interpreted in a variety of ways. There is no doubt, however, that it is ultimately based on the Constitution and that its consequences correspond to the nature of civil society. By acknowledging the personal power of the king, the civil Constitution authorized him to act independently. However, by making the king solely the executor of laws dependent in any of his actions upon the approval of his secretaries, the Constitution deprived him of this personal element of independence. By asking the king to stand above the parties of society to control their competitive activities and to prohibit excesses, it put him above the popular representatives as the . . . independent element of the community at large. However, by legally acknowledging that the king was allowed only to execute the will of the majority, the Constitution made the king into a tool of those groups in society which could win a parliamentary majority. By laying down the principle that kingship is inviolable and the source of all state power, the Constitution deprived the popular representatives of the right to avenge the misuses of power; . . . by requiring the king to confirm the Constitution by oath and accept it as an expression of the rights of the people, the Constitution gained an inviolability of its own which coincided with the inviolability of the king. . . . This cornerstone of the Constitution was poorly and imprecisely formulated and contained a grave contradiction. . . . No ingenuity was capable of solving it and giving it non-contradictory legal interpretation. We have to admit without reservation that the Constitution contained this contradiction. . . . But we claim that it was not a unique case and that every constitution contains such contradiction, because it is the contradiction between the general will and the individual personality. It is impossible to draw up a constitution without such a contradiction; . . . constitutional monarchy is only a specific form of the contrast between the state and society; whether it is a workable form depends on the willingness of both elements to accept the nature and the value of each other . . . in order to preserve the living unity of the state. The strength of a constitution rests on this awareness and not on the legal framework. The dangers of the constitutional state also arise from this. . . . Wherever one of the elements attempts to overpower the other, the contradiction becomes visible and a revolution results, the struggle of society against the opposing state power.

The executive orders did not go beyond the limits to which the King and the Chambers had agreed upon in the beginning of the Res-

toration. Freedom of the press had been frequently restricted. The election laws had been changed several times. It was not the content of the decrees which sparked the revolt but the fact that the decrees represented the first instance in which the King legislated without the consent of the Chambers. The evidence that the King considered absolute state power as his prerogative and the control of civil society as his task was the occasion for the uprising. French public life was characterized by the juxtaposition of state and society; the decrees tried to destroy one element by the other. Therefore, these decrees represented not only a violation of the Constitution but a declaration of war against the accepted public law.

But they represented more than this. The monarchy of Charles X represented the hopes and claims of the old feudal society. Though subjected to the civil society by the Constitution, the nobility had found in the monarchy the necessary power which could re-establish their former rights by means of state intervention. The decrees assuming the right of the king to represent public law without due regard to the Chamber were a declaration of war against civil society; they were the last desperate attempt of the feudal system to regain power. After they had been enacted a final decision was imminent.

The decrees were published; Paris took to arms; all the various elements of the free society joined forces under the attack, and after three days the revolution was completed. The King was dethroned, the people had been victorious. Feudal society had met its final defeat in France.

At the basis of the social movement from 1788 to the end of the July Revolution we have found one great contrast and one powerful driving force: the opposition of the old feudal society based on privileges of birth to the new acquisitive society which led to the final victory of the latter. This antagonism was now dissolved. The new society had overcome, step by step, first the feudal estates, then feudal rights and the feudal distribution of landed property, then the contradiction of absolute equality, the attack of feudal Europe, the dissolution of the state in France and the despotism of Napoleon, and finally the last attempts of feudal restoration and even the monarchy itself. . . . The new society had won a complete victory; universal citizenship was a result of a forty-year movement, and civil society ruled supreme and unhampered by opposition over the nation and the state. Will this be the terminal point for several generations at least? If this is not the case, . . . why is it that civil society and the Constitution are also finally not satisfactory? Does it contain in itself, just like feudal society,

deep and unsolved contradictions? And if this contradiction is as powerful as that of feudal society, and civil society is yet capable of progressing toward freedom, is it possible that freedom perhaps is in contradiction to state and society? On what is the contradiction within the fully developed civil society based, and where does its solution lie?

Here a new series of problems faces us. Concealed up to now by the effort to establish itself and by the struggle against the common enemy, the elements of the new society have now in their unchallenged position full freedom to develop their own antagonism and inner struggles. . . . With the July Revolution, history of the old order is completely and finally closed; with the history of the July Monarchy, contemporary history begins.

Part Two

Industrial Society, Socialism
and Communism in France
1830-1848

THE CHARACTER OF THE NEW ERA

The July Revolution was the beginning of a completely new era. For a long time, it was commonly believed that political developments were the main characteristics of this era. Its connection with the first Revolution was sought primarily in the constitutional questions and the struggle arising over them, the antagonism between monarchy and republic. . . . But the July Monarchy is merely a framework in which a completely different picture of much greater importance presents itself. . . . The period of the July Monarchy is a new chapter in the fierce antagonism between society and the state. Here, too, without doubt, the changes in society are the more important ones; all political events are subordinate to them. . . .

The July Revolution was not directed against one particular point of the Constitution, even less so against any specific decree. Resistance was directed against the attempt to re-establish the elements of feudal society by means of state authority. This attempt was doomed to failure; it miscarried. With the victory of the people, feudalism, to the extent that it had survived the first revolution, was banished from France forever. What was the nature of the social order which became dominant after this victory? . . . Its foundation had long been laid, and the history of the first Revolution shows distinctly enough the nature of its principles and its order. It is the acquisitive society, the society of free enterprise. The legal principle of this society is the premise that the right and the qualification of each individual are equal to those of any other individual. There are no differences of personality and no restrictions by any one on any other, no subordination without free consent. Associations among individuals in civil life—to the extent that they are not comprised and formed by the state and its order—are based on free contract only. No contract should be powerful enough to bind the free will of free men forever; since external conditions give rise to contracts, an interminable contract would forever subjugate men and their free development to external circumstances. There is a socially conditioned law even in this society; but as a consequence of freedom and equality, the individual has free choice whether or not to accept them in each individual case. This legal equality is also central to constitutional law. According to the principle of this society, nobody is excluded from the highest state

positions; there is no difference of birth, no nobility and no third estate; citizenship is the common attribute of all members of society. Thus, the highest principle of the Revolution, equality, has been realized here by the very nature of society.

While equality was the accepted principle in law, freedom was the principle of the new society in economic life. There are no more privileges of acquisition, no monopolies, no special rights. Any economic activity is open to everybody and may possibly lead to the ownership of property. Hence, everybody has to rely upon himself and his abilities. The personality is principally accepted as the source of individual development. . . . Individual liberty prevails in the economic sphere as long as the rights of others are not encroached upon.

From these two principles emerges the third one, the real order of society. Since the law recognizes only equality, inequality, as the prerequisite of all organization, must grow out of the economic order. It is acquisition, therefore, which coordinates and subordinates the legally independent and personally free individuals. This demonstrates the great importance of the economy. It extends the necessary order of economics to men themselves. The organism of production becomes the organism of individuals, and subordination, indispensable to mankind, nevertheless preserves freedom because it is the outcome of a contract between free individuals. According to the same principle, the ultimate position of individuals in this social order is dependent upon acquired property. On the surface, it seems that, in accordance with the inner principle of the acquisitive society, the highest possible standards have been established for justice, acquisition and society. The goals for which the first revolution had striven in vain at the cost of tremendous intellectual and material efforts thus seemed to have been realized after all. . . .

The social order of the acquisitive society developed slowly out of the aspirations of the people. This social order represented the fulfillment of the basic idea of the first great movement which had begun to crystallize under Napoleon. The people could be expected to accept the new social order with great confidence; what they had aspired to for so long seemed finally realized, legally secured and firmly installed. A final settlement of the long and violent movement appeared within reach.

And yet—what were the consequences of that revolution? Neither peace, nor quiescence nor satisfaction with the very social order which had grown out of liberty and equality. The July Revolution was but

a signal for a series of new bitter battles, followed by a condition of permanent war.

How was that possible, and what was the character of these new movements?

Most people . . . have interpreted these struggles as nothing but a war between the parties about the constitution, particularly a struggle of republicanism against the monarchy. But few will dare to deny that the real basis of these movements was social rather than political. The following analysis proceeds from this point of view.

Every constitution is a reflection of the social order. If not only individuals but whole classes rise against a social order, such a social order must contain within itself an unresolved antagonism. The constitution must, in such a case, provide the state with authority to suppress this antagonism. According to the law of social movements, the ruling class must have taken possession of the state and therewith transformed social dependence inherent in every society to political dependence also; the lower, subjected class, unable to call upon the assistance of the state by constitutional means, has to resort to arms in order to seize the power of government. . . . Wherever there is an attempt at a revolution, social antagonism and the subjugation of the state to the interests of the ruling class unquestionably prevail again. . . . If, in spite of the great social victory of the July Revolution, one revolt followed another, if . . . the country continued to be in a ferment, if the best informed and most unbiased leader of the nation declared openly that France was living on a volcano and that its future would be stormy and perhaps tragic, . . . it was evident that an unresolved contradiction was clearly imbedded in its social order. . . . Instead of the destroyed feudal dependence, it now contained the germ of another social dependence, instead of the rule of the privileged estates, another domination, no less rigorous, no less contradictory to the development of the highest personal aspirations. . . . The society which inevitably produced these contradictions and struggles was the social order based on free acquisition, the society of free enterprise. Was it by chance that this society followed upon the feudal society, and was this an accidental sequence? No. . . . According to the nature of things a market-oriented society will always grow out of a social order based on estates. . . . People who strive to rise from their assigned position in society to social liberty will always be caught in these contradictions.

The free enterprise system, which was established in France through

the July Revolution and which was the natural sequel of feudal society, is the freest conceivable form of society. . . Neither the human mind nor the history of mankind has so far discovered a superior form of free society. If it nevertheless results in dependency, if a subjected and a ruling class immediately emerge, if the latter again succeeds in usurping the state, excluding the former from power, is, then, a really free society and a really independent state conceivable? The social revolution of 1848, which marks the end of the epoch beginning with the political revolution of 1830, has not provided an answer to this question. The society of free acquisition has not only survived that revolution; there is no doubt that it will continue to last for a long time to come. No other configuration of society which guarantees social peace is so far discernible. But if the acquisitive society is the basic type for present and future societies, and if it necessarily leads to dependence and conflict, what can be done to avoid this struggle? . . .

This is the question of the present and of the near future, and here and nowhere else can we discover the root of future danger. Here we encounter the first as yet negative version of the problem of the social question. Here begins an altogether new movement in society never before encountered in history, a movement which permeates more and more thoroughly all conditions, all principles and convictions. The historical picture which the eighteen years since the July Revolution present is more profound and richer in powerful, intellectual, though futile, effort to solve the question than that of the first Revolution. In the latter, men had attempted to force the state into recognition of an established order. They now wanted to resolve an existing contradiction which had grown unbearable, and yet neither the facts nor the principle of this contradiction were as yet understood. In the hot-house atmosphere which had settled over Europe, the competitive society has been pushing the elements of its order with great energy toward full development; however, step by step, the inherent contradiction followed. The antagonism against the new society appears in a great variety of forms and carries on its attacks in the most diverse ways; society fights back with the sword as well as theory, scorn as well as contempt. But the antagonism emerges always anew, ready to erupt. It becomes progressively clear that true social peace is unthinkable without a solution of these contradictions; but as yet, even the wisest do not know where a solution may be found. The antagonism finally crystallizes. Society is split into two great camps, the interpretation of social relations reflected in two opposing social theories, and social history in two power movements which are mutually exclusive and

ready to engage in an open struggle. The great, universally important, historical significance of the July Revolution is that it represents the turning point in this development. It was of much greater importance for society than for the state; without its social implications this Revolution cannot be fully understood.

The July Revolution definitely established industrial society by destroying the last remnants of feudal society. Inasmuch as the industrial society had to emerge from the first Revolution, gaining more power from day to day since 1795, under Napoleon as well as during the Restoration, the July Revolution spells the end of the first Revolution. And inasmuch as it belongs to the historical era which began around the middle of the 18th century, when the first theories of liberty and equality were formulated, it represents the terminal point of that era. However, by putting into effect . . . the social order of free acquisition, the July Revolution represents at the same time the turning point at which the inherent contradiction of this society evolves. It is at this very moment that the question is raised whether the idea of liberty for which mankind had struggled during the last century has become a reality. The July Revolution is, therefore, also the starting point of the actual social movement.

This is how we see the history of the main events of social life during the subsequent eighteen years. We are not suggesting that there is to be found a solution to the problems in the events of this period. The true significance of the era of the July Monarchy is the natural growth of the antagonism, inherent in the acquisitive society, between the two classes of this society, in practical life, in theory, and in the process of organizing for militant action. All struggles for cabinet posts, all revolts, intrigues and political convulsions of this period dwindle to nothingness in comparison with this development, which alone is the key factor of that time. Nothing that otherwise happened has had any lasting importance except to the extent that it is related to this development. . . .

What was only vaguely indicated and ill understood during the first Revolution by the communism of the "Republic of Virtue" now develops into comprehensive systems; what formerly presented the truth only for a desperate thinker is now elevated to the creed of a whole class of society. What formerly was executed by power and force now attempts to gain victory as a scientific system. . . . After the proclaimed social revolution actually took place in 1848, nobody can seriously doubt any longer that the French developments up to that date were essentially social movements. . . .



Part Two, Chapter One

INDUSTRIAL SOCIETY, ITS DOMINATION AND ITS CONTRADICTION

INDUSTRIAL SOCIETY AND THE RULE OF CAPITAL OWNERSHIP

... The society of free acquisition has prevailed in France since 1830. If there exists a contradiction and a struggle which affects the whole population as well as the country, ... it must be due to the inner nature of this society. Only from this vantage point can the history of the July Monarchy be understood. Since a specific form of society comes to predominate with the July Revolution, the whole series of movements following it are nothing but movements of the constituent elements in this society. ... In which way does the society of free acquisition develop an inner contradiction, and what are its effects on state and society? ... We have shown in the section on the theory of social movement that any human community develops into a social order of men and their activities. It is supported by laws and family relationships, and it is thus that the ruling class and the dependent class come into being. The emergence of classes leads to social dependence which contradicts the essence of personality; social dependence is aggravated by the rise of estates. Therefore, any social order contains this germ of social dependence; the revolt against a social order is always a revolt against this social dependence. ...

The concept of the acquisitive society does not yet contain a concept of class, even less one of estate. In the society of free acquisition, the acquisitive personality is the organism of acquisition. If opposition, movement and struggle are to develop, a ruling class has to emerge first within this order. And since this ruling class has to grow out of that order, one element of free acquisition has to develop within and through the ruling class, as a basis of its rule which makes it superior to the other classes of society. ... What is the nature of this element, growing out of free enterprise economy, which is destined to rule? ... In what manner does the urge for liberty in the dependent class

manifest itself? In brief, what is the shape of a society which grows out of the economic order of the entrepreneurs, and how does the ruling class of such a society exert its power? ... If it is property which determines the final shape of society, the inevitable laws of distribution of wealth by free acquisition will also determine the shape of society in an acquisitive economy. ...

The more highly developed form of economy begins when ... the production of goods goes beyond the individual needs of the owner of material and of the laborer and is geared toward the satisfaction of needs of others. The use of material and labor thereby changes in character. The well known and usually fixed ... personal needs are replaced by calculations of human needs in general, ... and production ... is geared by the entrepreneur for this purpose. ... Those who have the ability to run an enterprise hold a position different from those of the two traditional classes of laborers and owners; their acquisitions are not due exclusively to the possession of material and not limited by the amount of physical labor power. They are the ones who have the best chance to become owners through personal effort.

Entrepreneurial activity first breaks down the rigid barrier between owners and non-owners. It therefore becomes the source of material independence, and thereby leads to a new era in the life of nations. ... As soon as industry begins to grow, the value of things takes on a different character. Industry satisfies needs, but also produces them. Before industrial goods, for which a need has been created, can be bought, other things have to become marketable commodities. The extent to which things or skills are marketable constitutes the measure of their value. This value is expressed in money. Because of the impact of industry and the commerce related to it, everybody has to assess the monetary value of his property. Although money existed before industry and always exerted a certain influence, with the industrial age it becomes the conditioning factor of the whole industrial economy. ... But money—although the element of industrial growth—is not available to all. It is always in possession of individual owners. ... The accumulated quantities of money, indispensable for the entrepreneur, are called cash capital; to provide capital for industries is the function of a special type of enterprise, the bank. To the extent that industry grows, enterprises become more dependent upon capital. ... Since the manipulation of capital becomes an enterprise of its own, the efforts of entrepreneurial ability without capital are handicapped; even though the establishment of new enterprises is not restricted, capital is not always available. This indicates the basic relationship

which affects industrial growth: capital rules over industry to an increasing degree, and the available amount of capital determines the condition of industry, its existence and its profit.

The essential element which stands out in market society and in its acquisitive efforts, and which determines the processes of acquisition, is capital. Two factors signalize the beginning of its rule: the appearance of bank business in support of industrial enterprise . . . and the appearance of capital in industrial enterprises proper. . . . As a consequence of this development, the market economy slowly loses its essential characteristics. Market economy changes from an economy based on common striving for acquisition by efforts and hopes, and becomes a representation of the powerful ruling element, which are capital and the owners of capital; . . . entrepreneurial activity and labor become subjugated to capital and have no hope of regaining independence. This schism, the new version of the ever recurring separation of owners and non-owners, of material and labor, of ruler and dependent, characterizes and determines—if fully developed—the industrial society. The essential characteristic of the industrial society slowly but necessarily emerging from the market society is the rule of capital ownership over the whole economic life and all economic processes. . . .

We now have to consider the movement which evolves within society through the rise of the rule of capital. Its origin may be traced to labor but by constituting itself independently and making labor, in its various forms dependent upon it, it develops a peculiar opposition to labor as well as to acquisition through labor, an opposition of which one has to be aware in order to understand the profound antagonism which extends through industrial society. . . . Capital, once gained, provides a secure existence and a superior social position even without work; it is the source of unearned income similar to landed property of feudal times. It is, therefore, the main factor, the first condition of worldly enjoyments and personal development. It provides security of existence, of enterprise and of future prosperity.

Through these elements capital has a twofold effect in any society in which it comes to predominate. In the first place, it disparages practical activity in the eyes of those who strive for possessions; labor, being dependent on capital, appears to be the occupation of dependents, and laborers appear to be inferior to capital owners. . . . During the period of transition from the market to the industrial society, while the rôle of capital increases in importance, the most efficient and aggressive entrepreneurs, who do not as yet own sufficient capital, try to gain profits for the amortization of investments; they search for

new markets, . . . new combinations of various kinds, new inventions and cost saving devices, they struggle against obstacles, take risks, experiment and expand the frontiers of industry and commerce. This is the youthful period of industrial society. An industrial middle class constitutes itself, strives for, and usually succeeds in gaining capital ownership by entrepreneurial activity. This class differs from the middle class of farmers and the petty bourgeoisie, whose property and acquisitive powers are rather limited. With the growing importance of large investments, this traditional sector of the middle class becomes crushed and finally also dependent upon the industrialists. This marks the end of the first period of industrial society. Powerful firms grow up with whom it is impossible to compete. . . . The frequent occurrence of bankruptcy is an important symptom of social development; enterprises without capital easily fail in competition with big enterprise. This trend indicates that enterprises can no longer acquire capital ownership without taking extreme risk. . . . This is a symptom of the transition to industrial society.

Later, capital exerts its influence on the life of the individual. Since the administration of acquired capital rarely inspires the superior and noble qualities in men, it does not provoke higher moral and intellectual interests. The income is used for the satisfaction of a lower category of wants. . . . Ostentatious display of possessions, consideration of usefulness and the lack of good taste begin to prevail; enjoyment is valued according to its price, and artistic performances by money earning power. Abilities are assessed . . . according to their acquisitive capacity; and professional performance is appreciated to the extent that it serves the money-earning interests. All of human activity, human capacity, even human hopes and dreams become concentrated on money-making; money-making comes to absorb the superior vigour, the most noble personalities and the most generous impulses. The most powerful human interests become subordinate to money interests. Unearned money income becomes the goal of life, and all other challenges to men become secondary in importance. . . . The power of capital directs affection, love, and social life; it ties the bonds of the young and dissolves the friendships of the old people; it becomes the general element of all spiritual and material movements. . . . The condition of culture where money exerts social power, where its enjoyment presents the peak of satisfaction, where the acceptance of its importance has come close to a veneration of money, and where the striving for possessions has made everything purchasable, is called materialism. Materialism is not to be confused with respect for labor, or with a

striving for acquisition, or with the enjoyment of material goods or with a lack of higher ambitions; the savage primitive man, the uncultured, or the busybodies are not materialists. Materialism is a definite state of the human mind in society and is directly tied to the rule of money. . . . Materialism is a consequence of the rule of capital, and as such a natural and necessary stage of development of the market society; it must be considered among the cultural changes which are independent of national characteristics. . . .

The second trend is more easily comprehensible. . . . Since all enterprises and investments can continue to exist only by producing at the lowest possible price, a new series of symptoms develops. . . . In order to be able to maintain a low level of prices, the enterprises have to turn against labor—all the more so if the prices of raw materials increase through growing competition. The unemployed will be subjugated by the entrepreneur, and consequently, labor, which has already declined in prestige in comparison to capital, will be exploited. . . . A system of production develops in which the laboring class is forced to accept the lowest possible wage. Exploitation of labor by capital, the material dependence of the laborer in addition to his social dependence, prevail, and even profits tend to decline to the wage level. It is unreasonable and perhaps even malicious to blame individuals for these consequences of the social system. These consequences are unavoidable in the process of growth. But it is equally unwise and dangerous to overlook or to underestimate the misery and the danger of such conditions. These conditions represent a contradiction to the most natural urge of free human beings to become independent through work. . . . People who are willing to bear this contradiction unconditionally are not equipped for a higher cultural life, because here freedom in its most tangible form—work and acquisition through work—is destroyed. The period which follows will illustrate what happens if this contradiction leads to an explosion.

In this fashion, capital becomes the ruling power in what is called industrial society. . . . In this kind of society there are two large classes, one consisting of those who own capital or are able to acquire it, . . . and the other of those who are unable ever to acquire it in the natural course of events.

. . . Another important problem for the people who have entered this era of social development is the problem of their relationship to state power.

THE RELATIONSHIP OF INDUSTRIAL SOCIETY TO THE STATE

Constitutionalism

As long as the elements and the nature of the social order are unknown, the existence and security of the state will usually be sought . . . in the proper relationship of the various organs of the state. Since Montesquieu this relationship has been known as the balance of state powers . . . The Restoration in France and the development in Germany, however, have shown that the external balance of powers is unable to protect either itself or the political liberty of the individual. There is another factor which is of decisive importance here: the rule of the upper social class over the state. Capital and capital-owners rule in industrial society. What is the most general principle of the state which this society has to strive to realize, and what are the means of realizing it?

The industrial society, just like the society of free acquisition, is based on the principle of equality before the law and on freedom of enterprise; its order, however, is dictated by ownership resulting from acquisitions. The emerging ruling class must subject the state, but in order not to contradict itself, it has to build its rule on elements corresponding to the social order.

The principle of equality as applied to the state is essentially negative: no privileges are to be granted and guaranteed by the state; authority is based on the free consent of the parties; administration of the law does not tolerate any legal differences. The principle of freedom of enterprise and acquisition presupposes the independent administration of the private as well as of the public budget. The principle of prevalence of private property makes property ownership the determining conditions, not only for realizing a superior social status, but also for the exercise of political rights. The general principle of the acquisitive industrial society in its relationship to the state is, therefore, the principle of self-government, interpreted particularly as the control of the state budget. . . . The constitution and the administration of the state according to this principle are based on two major rules: parliamentary representation based on property qualifications and the right to control taxation. These general principles suffice as long as

the acquisitive society has not yet developed a ruling class; practical politics then circulates narrowly around the relationship between parliamentary representatives and the main organs of the government. . . . Since the acquisitive society is as yet without a ruling class, and since its members live under conditions of equality, the organs of the self-governing administration are free of the element which directly strives for control of the state. . . . As long as the acquisitive society persists and the rule of capital has not yet developed, the activities of parliamentary representatives are limited to participation in public administration through tax control, while the more important decisions of the state may be made by individual members of the legislature but never by that body as a unit. . . . During this period the government still controls the positive power of the state to the exclusion of all others; society merely determines the limits of its actions. But as soon as the ruling class of capitalists appears, it inevitably attempts to seize the actual power of government regardless of the specific form of that government, whether it is a republic, an aristocracy, or a monarchy. Since this class is the product of the acquisitive society, its method of governing always utilizes the same basic instruments. . . . The nature of the capitalist class is such that it always usurps the power of the state by means of the two basic instruments of power: parliamentary representation and tax control. . . . Without destroying the state, it subjugates each of its organs. This is an inevitable consequence of the development of any nation after free acquisition has been accepted as the basis of the social order. . . . The resulting form of the state is known as constitutionalism. . . .

Mere parliamentary representation is of minor importance in the formulation of the concept and the description of the essential features of constitutionalism. . . . Any attempt, however, to check the growth of constitutionalism is in vain, once the acquisitive society has changed to an industrial society; however, the latter usually develops slowly, because the social order of free acquisition cannot grow without the accumulation of large amounts of capital. Constitutionalism necessarily becomes the form of the state, because large capital is a necessary element in industrial growth. . . .

Even though the July Revolution resulted in a complete revolution of the state, we observe the apparently striking circumstance that there was almost no change in the existing legislation. . . . Until the July Revolution, French society had been essentially an acquisitive market society. Only the July Revolution, by establishing the domination of industrial society through the final destruction of the feudal monarchy,

compelled society, as it were, to produce a ruling class. This could only be the capital-owning class. By sudden change the July Revolution created the industrial society out of the acquisitive society; this is its true social significance. By taking over the government, the ruling class could not essentially change the established rights of the Charter; only the spirit of the constitution and the administration could be reformed, and came to bear the impress of the rule of capital over the state. Such is the character of public life in France since the July Revolution. This period is the period of constitutionalism in its most clear-cut form, with all of its strengths and all of its dangers. One question remains: How did the new ruling class of society take possession of the state through popular representation? Constitutionalism established itself on the basis of the new position of the Chambers and through the new principle of monarchy.

Constitutional Parliament and its Position within the State

The first practical application of the rule of capital over the organs of the state consists in the formation of the institutions by which society controls the state; this is the Chamber of Deputies. The relevant laws acquire a specific character under constitutionalism which had already been suggested but not fully developed in the acquisitive society of the preceding period. Now the upper class is no longer based on potential but on accomplished acquisitions, which become the prerequisite for actual participation in politics. . . . Only direct taxes paid indicate capital ownership, and that is now what matters. This social order, therefore, imposes property qualifications on the basis of the amount of direct taxes paid; the minimum amount of paid tax required for voting is not set as high as under pseudo-constitutionalism, because the whole property-owning class is supposed to be represented; neither is it put very low, because only true ownership—wealth proper—and not the aspiration to acquire wealth is to be represented. Furthermore, a direct vote is stipulated in order to insure a clear representation of the interests of property and to exclude personal interests and influences. . . . In addition, voting is carried out under the supervision of the voters themselves in order to avoid the influence of any other element. These are the principles of industrial society; the clearest expression of these principles is the April 19th, 1831 election law of the July monarchy. Since the propertied class is supposed to rule, the upper chamber is either eliminated or becomes subordinate to the lower chamber; this is achieved by the abolition of hereditary membership in the former. The upper chamber acquires an intermediate role

between that of a status and that of an administrative institution and is prevented from ever gaining political significance, because it does not represent a specific status element of society, nor does it have an administrative function. The acquisitive society leaves the upper chamber untouched only to protect the monarchy as an institution which it needs; . . . but the upper chamber, as well as the king, are made powerless against the will of the lower chamber. This has been for eighteen years the position of the Chamber of Peers in France; it disappeared without leaving a trace when the Revolution broke out; it was not even worth the effort to dispose of this burden of constitutionalism by special action.

These are the principles by which the ruling class of industrial society takes over state power. Among these, property qualifications are the most important ones. . . . The ruling class acquires control over state administration through the rigid application of two principles which characterize true constitutionalism: majority rule and ministerial responsibility. Popular opinion considers majority rule as decisive, because it is the only method of reaching a common agreement. But this interpretation with reference to life in society is inadequate and unconvincing. It suggests that majority rule implies a rightful decision, through actually in industrial society it reflects the rule of a specific power—in fact, the only power. Property qualifications based on tax contributions reflect the interests of property ownership and of acquisitiveness. The legislative chamber is, therefore, above all a representative of the interests of society. Its power is based on this and on nothing else. The majority of the Chamber, although it represents arithmetically the majority of individual votes, must be seen as the majority of the general interests. Interests rule in an industrial society, the majority of which can be discerned by the majority vote. The majority rules unconditionally, because it is the manifestation of the rule of the upper class in society. In no other state order, nor in any other constitution, is majority vote accepted so unconditionally; . . . nowhere is it applied as concisely as in a social order where the ruling majority is identical with the majority of interests instead of the majority of convictions. . . .

Majority rule determines the form and the content of constitutional responsibility. . . . The ruling class not only insists on the inviolability of the constitution; it demands that the whole administrative process be carried out in the spirit of the prevailing majority. . . . Since interests dominate the chamber, harmony between the government and the majority is secured only if the principle of administration requires state action in favor of the interests of the ruling class; the majority of the

chamber, being identical with the majority of interests, know best what these interests are; therefore, the administration is expected not to pursue any objective other than those in harmony with the predominating interests. Only if the majority finds itself fully represented in the administration is the system of constitutionalism complete. . . .

Since the majority represents the ruling class of society, it is part of all true constitutionalism that the ministers have to resign as soon as differences develop between them and the majority. A different group of ministers acceptable to the majority takes over the administration. Since they are appointed with the understanding that they are to act in the spirit of the majority, the very nature of their positions and their right to these positions would be invalidated if they were to remain in office against the wishes of the majority. Opinions may differ regarding the value of majority rule. But genuine constitutionalism requires that ministerial power abdicate if it is opposed to the majority. To remain in office against the will of the majority is unconstitutional, even though a violation of the letter of the law has been avoided. Wherever this happens, it would mean not only—as is often stated—that the principle of parliamentarism is violated, but also that class rule, as represented by the majority in the chamber, is destroyed and with it the law according to which the social order rules the state. . . . Constitutional responsibility is a system of administration in harmony with the majority; . . . this is the principle of true constitutionalism as distinct from pseudo-constitutionalism. This principle alone ties the constitution to the administration by constitutional means.

This system cannot be enacted by legislation; it has to be established through the all-pervading power of the ruling class. This class had been victorious in the July Revolution; therefore, no specific laws were necessary to establish its rule. The ministers depended on it. This answers the question of how this revolution, in spite of the fact that it produced only negligible changes in public law, nevertheless produced a completely different type of state from the one which had preceded it.

Constitutional Monarchy

. . . During the July Revolution we saw a dynasty swept away, the masses of the people persecuting the royal family in blind fury, hurling curses and imprecations at them, and yet, incredible as this may seem, only a few days later by common consent putting another prince of the same line on the same throne. How was that possible after such a revolution? The king had been the representative and pillar of pseudo-constitu-

tionalism, and yet another king was put on the throne which had just been overturned. . . . What, then, has become of this monarchy, formerly the pinnacle of feudal society, in the period of free acquisition? What is it in true constitutionalism? . . .

It has been shown that interests are the moving force anywhere in industrial society; furthermore, it has been shown how interests get in conflict with the idea of universal freedom and individual development because some individuals have to be subordinated to others. The state is the personal representative of the idea of freedom; but it is in constant danger of being subjugated to the ruling class of society and of becoming serviceable to its interest rather than to freedom. If the state loses its independence and its supreme position, a state of dependence is established, because one class rules absolutely. . . . Wherever this happens liberty can be acquired only by way of a political or social revolution. . . . To avoid this extreme in the life of human community, the idea of the state has to be personified by an institution which stands above all interests and is the manifestation of the pure personality of the state. . . . The classes of society should be unable to get control of it; it should have no interests of its own; the struggle of society with the government should be of no concern to it. Such an institution represents the principle of the state, the idea of freedom; the state has what no constitution can give it, a representative who can withstand social conflicts and thus be able to overcome the principle of dependency embedded in society. This institution is hereditary monarchy. . . .

The thought motivating the ruling class was the following: If we remain without a king the aroused masses will continue against us the struggle now directed against the king; either we are victorious and through our victory make an irreconcilable enemy, or we are defeated and have to live under a terrible tyranny. Only monarchy can build the bridge between us and the other class of society. It is the only form of escape from the attack of the non-owners against the owners. The July Monarchy was the result of these considerations. . . .

However, with the inauguration of the July Monarchy—representing what Benjamin Constant calls the “neutral power”—only one aspect of its role was determined. Soon a new form of relationship developed between the king and the majority group which led to the emergence of “constitutional monarchy”, a new type of monarchical rule. . . . Since the ruling class tends to usurp the state, it demands that the king, to the extent that he represents the state, forego any independence. The king has to submit unconditionally to the majority of the Chamber. . . . Constitutional monarchy does not grant freedom of action or decision-making

power to the king personally other than in conformity with the wishes of the majority.

One may ask what would follow if the king refuses to submit to the requirements of the constitution, if he wants to remain independent. How is it possible to create a monarchy which is reconciled to constitutionalism at all? If the right to the throne is a supreme right and beyond the control of society, the monarch cannot legitimately lose his throne even in the most bitter battle waged against the latter. This right, therefore, sets him in absolute opposition to the social order. Society can succeed in maintaining its natural domination only by destroying the legitimate claim to the throne and by expelling the dynasty in power. This is the reason why all revolutions at the time of the rise of the acquisitive society result in a change of dynasty. The subsequent dynasty will be put on the throne only by and with the consent of the ruling class. . . . The act of enthronement . . . will always show that the royal prerogative depends on the consent of the ruling class. Through a new prince, a new type of monarchy is established which cannot aim to be anything but constitutional. As a rule, constitutional monarchy can be created only by a change in dynasty. Such was the case in England, in Belgium and in Norway. . . .

The July Revolution, by establishing the rule of the acquisitive society, had subjugated the state to the ruling class of this society and to its interests. It had replaced pseudo-constitutionalism by true constitutionalism and sealed this change by the change of dynasty. This is the deeper meaning of the statement by Louis Philippe: “From now on the Charter represents the truth”. . . . In this spirit the new prince accepted the crown; in this spirit it was given to him by society, and in this spirit the July Revolution marked the beginning of a new life in the state of France and in French society.

The July Revolution is an important European event, which marked the beginning of the victory of industrial society over the monarchy and other remnants of the feudal society on the continent. A new era begins, which is nowhere developed more clearly and consistently than in France. . . .

THE DEPENDENT CLASS IN INDUSTRIAL SOCIETY

The Origin of the Antagonism

. . . Capital is not only an external factor. It is property, but also, as a result of individual activity, the essence of real personal freedom as

well as the necessary prerequisite of freedom. Property plays this role in every form of society, because this is its very nature. It is only the type of property which varies with the different social orders. The form of property in control of industrial society is capital. To be excluded from capital ownership is not merely to be excluded from the ownership of property. It also means to be excluded from the conditions providing a full development of personality and the enjoyment of civil liberty. The industrial society, by creating a class without capital and without a chance to ever acquire it, has established an element of bondage. . . . Bondage also differs in form from one social system to the other; in industrial society it appears as the improbability of becoming a capital owner. The non-owning class thus becomes the dependent class. The originally free market society has made dependence an integral part of the social order within the industrial society.

How is it possible that the acquisitive society has, as a result of the idea of personal freedom, brought about dependence of a whole social class? And if the general principle of freedom is the very basis of life in industrial society, does this not mean that the idea of freedom will aim to devise new forms of expression and new forms of organization in this newly developed class of dependents? Will the inner social impulses not attack the conditions which create a relationship of dependency and proceed to struggle for the principles on which the industrial society is based? If lack of capital implies material dependency, and if the demand for and the awareness of liberty remains alive, industrial society may emerge but may not be able to survive. The class of non-owners, dependent and lacking freedom, becomes the decided enemy of capital; what happened in feudal society is now repeated again under different circumstances, a struggle of the lower class with the upper class over the right of determining existing social order.

The Proletariat—The Emergence of the Industrial Working Class

During the last century, when the ideas of liberty and equality had for the first time appeared in Europe, most people were bound to the soil and were dependent on agriculture even if they were free. The needs of the overwhelming majority were satisfied by the domestic economy or else by the products of artisans in the towns. . . . There was almost no trade except for domestic exchange between town and country. . . . The limits of production and trade were so narrow that it is hard to visualize the frugality of life prevailing at that time. . . . The needs were restricted to what could be provided from the surrounding country; wages were mostly paid in kind. Home produce was the principal means of exchange

between employer and employee. The worker consumed whatever he earned without further trading. . . . In consequence, he had little money and few opportunities to dispose freely of his wages; to a certain extent the fact of his being a member of the family upon which he depended was more important. . . . The low wages and the working conditions restricted considerably the free development of the working man. . . . The payment of wages in kind has contributed more to his dependence than all laws and all suppression of the worker. It has completely subjugated the individual worker to the individual master and to his family. . . .

A general change of circumstances was not possible unless an altogether new force were to affect production and consumption. Since all work was done by human hands, too large a share of this productive force was consumed in the process of production. Hence the surplus of labor available for trading was negligible. Industry based on human labor could not supply sufficient products for the markets in order to provide enough goods in exchange for wages, even if wages were paid in cash. For this reason, the laborer had no vital interest in money since there was no opportunity to profitably exchange it. There was neither an incentive to give nor a need to receive cash in payment for labor.

Suddenly, and strangely enough, at the same time as the ideas of liberty and equality appeared in France, the first machines were produced in England. With them a new era began for the economy of the whole world, affecting production, consumption and trade. The machines became a truly revolutionary power in the material world, which they now dominate and whence they deeply penetrate into the realm of the mind.

The growing number of factory workers and the nature of their hourly work made a personal relationship between factory-owner and laborer partly impossible and partly unnecessary. The factory worker—until then kept under strict domestic control— . . . became a free person in the factory. When his work was finished nobody cared about him. He got paid in cash and was able to spend it as he liked. He had to set up his own household. No matter how modest it was, it made him self-reliant and independent of any individual control. Only labor was his master.

This step from the traditional dependency of his household to independence was of enormous consequence. It is comparable only to the dramatic event when the son leaves his father's home to set up his own household. The whole class of laborers took this step wherever machines were introduced. . . . By making the laborer independent, the machine laid the basis for the independence of the working class. . . . This ele-

mental development was nothing else but a thorough separation of work from property, manifested by the parting of laborers and owners, who until then had lived in a close and natural relationship, though unaware of its importance. The separation of the two elements of all material development had been caused by the machine.

Only at this point did it become apparent that the interests of the owners are essentially different from those of the laborers. This separation has given rise to the indifference of the laborer toward the enterprise as such, be it agricultural or industrial, and has gradually suggested the question of whether the money wage is equivalent to the contribution made by the laborer to the total product. Only when the laborer stands separated from the enterprise, weighing his money wage, do the conflicting interests of capital . . . and labor . . . become discernible. From the separation between labor and property to the antagonism which develops between them there is but one step. And this step, too, had to be taken because of the machine. . . .

Under the preceding economic conditions the laborers had been dispersed; it had been difficult or impossible to establish a direct contact among members of the laboring class, all the more so because the leisure time of the worker had usually been spent with his family. But now, when hundreds of workers worked in the same shop and were free after the day's work was over, the equality of conditions as well as the community of work created a common way of life, a community of thought and feelings. As long as wages were satisfactory this new community was only of small importance. But when wages went down and the misery of wage earners became apparent, while at the same time the capitalist class indulged in an evergrowing display of wealth and pomp, the laborers began to consider themselves as a distinct group, a specific element of the industrial world subject to certain not yet clearly discernable laws. The laborer had a family; if he did the work which sustained his family well, he had little time to spend with his family. The laborer had no chance to accumulate capital and raise his children to become members of the property-owning class. On the contrary, it was desirable that the children start earning money as early as possible; their education consisted in following their father's occupation. And if they in turn had children, the same rule remained valid. In this way the laborer's position became hereditary, exactly like that of the owner. This hereditary character of labor, in conjunction with the fact that it was difficult or almost impossible to change the position of the family, transformed the working class into a status group. This class was altogether separated from the capital-owning class. It was dependent upon it; it became aware of its

antagonism against the rule of capital, and considered itself a powerful opponent by virtue of its numbers and its concentration. With the appearance of the industrial laboring class, which was joined by more and more workers released from the bonds of their former masters, the difference between the propertied and the non-propertied class had been clearly established. . . .

The Proletariat (continued)—The Wage-relationship. The Dependence of the Working Class.

The appearance of the working class seems to be a mark of progress as compared to former conditions. The personally dependent laborers had become . . . personally free laborers through the factory system and the introduction of money wages. Generally speaking, legal equality entitled everybody to establish his own enterprise on the basis of his savings. The road to capital ownership was open. Independence made everybody depend upon his own devices, his abilities, his industriousness and his thrift. This became the source of his self-improvement. . . . This, however, was only the negative side of liberty; its realization depended upon the fact of whether the laborer had any real chance of acquiring capital. Without this possibility the working class was, in spite of its independence, excluded from the rule over society and from developing a free personality; without this opportunity the principle of freedom was a delusion, even a mockery for the working class. . . . The question of the future, of real freedom for the working class, became identical with the question of whether the industrial laborer could ever acquire capital or not. . . . The wage level was therefore at the core of the whole problem. . . . And the laws which determined industrial wages were decisive as far as the freedom and independence of the industrial working class was concerned. . . .

At the beginning of the industrial era, wages had been relatively high because of the great profits of the entrepreneurs and the limited number of workers. But this could not last. . . . In accordance with the laws of the economy, wages became reduced to the level of subsistence. As soon as industry, at the beginning of the century, had advanced and a working class had emerged, the wages went down; during the second decade of the century it became an established fact that the average industrial factory worker was receiving a wage just high enough to satisfy his basic needs. . . . It was impossible for him to accumulate capital. . . .

Competition played a twofold role for the laborer. It operated among laborers due to their concentration in specific places and their growing number. . . . Since the worker is dependent on wages for making a living,

he has to accept work at any price. . . . A second form of competition, competition among entrepreneurs, then ensues. Since they can compete successfully only by keeping the price of products at the lowest possible level, they will try to keep the costs of production down. . . . The laws affecting the wage level make it impossible for the working class, in general, as well as for the individual worker, to acquire capital. This answers the question concerning the idea of freedom in industrial society.

It does not, however, take full account of the position of the industrial working class. Since the worker is dependent on his wage, it remains within the personal power of the entrepreneur to hire him or not. This power increases as the labor reserve grows. It is true that the worker is legally free to accept or reject the job. Nobody is forced to accept work, and wages are not legally regulated. Therefore, the laborer is, in relation to the employer, legally free. But since he is dependent on the wage and the wage in turn on the employer, in most cases he, and his wife and child as well, depend in reality on the arbitrary decisions of the entrepreneur. The laborer submits to the factory owner with the same inevitable necessity that he submits to his own needs. In spite of all legal liberty he is in fact not free. . . . The material dependence of the laborer upon the employer is the second main fact in the life of the industrial working class.

Dependence, wherever it appears, tends to bring about adversity and discord by the ever increasing pressure it generates. Even the generous individual can hardly resist this power of evil. Laborer as well as master soon sense this dependence and accept it as part of their mutual relationship. The worker becomes either obstinate and malicious, or a dull-witted tool, or else a subservient servant. The pride of a free human being begins to waver and to disappear; he, the laborer, does not have the power to defend his independence against those who have power over him and his children's daily bread. On the other hand, the master, whom everybody obeys, becomes presumptuous, haughty, and cruel toward those who serve him and indifferent about their sufferings and their future. The unalterable law that submissiveness spoils the master more than does innate wickedness operates on a small as well as on a large scale. The factory becomes a place of misery for all, work begins to look like a punishment for the worker; the master is dreaded and hated; to pass the day without brutal and cruel incidents is all people can hope for. Although the days of slavery with all their horror are remote in free Europe, slavery reappears here in a more destructive form because it is imposed in the name of freedom. There are examples to the contrary, of course, where humane masters try to make work pleasant and the

worker happy, but this is entirely a matter of chance; only the individual personality of the master may make working conditions bearable. . . . Life may be relatively comfortable with a good factory owner; but usually the master is indifferent to anything not directly related to the process of work, and this indifference permits intolerable working conditions, which could only be eliminated by strong counteractions of the master, to lead to the ruin of the worker.

Such is the personal relationship resulting from the material dependence of the laborer on the factory owner. But dependence, once established, does not remain restricted to personal relations. The only area of independence left to the laborer is his money wage. No matter how small, it is his own; as long as he preserves it he has some independence. But the interest of the employer does not permit him to enjoy it. The laborer has to buy shelter, food and clothing. The master offers these for sale, thereby reducing the cash wages earned. He can buy wholesale and without any risk, and be satisfied with a small profit or no profit at all. He really is able to provide goods for the workers more cheaply than anybody else. And is it not . . . in his greatest interest to provide things cheaply and well in order to raise the incentive for better work? In this fashion the master also becomes the tradesman and the landlord of the worker. He builds apartments and rents them; he sells self-manufactured goods; he erects little trade centers for shopping. This may not be wrong in itself. But the dependence of the worker enables the master to force him to live in his cottages and to accept his wares instead of wages. . . . In consequence, money wages which are just sufficient to provide for the basic needs tend to disappear; with the so-called cottage system and the truck system, working wages tend to relapse into the feudal stage of payment in kind, from which the very same factories had raised the laboring class by cash payments.

The circle, which begins with the invention of the machines and cash wages, thus seems to have completed its course, and yet something altogether new has happened at this point. A working class has developed which begins to think of itself as an independent unit. In spite of freedom of acquisition, it is impossible for their members to accumulate capital; their work relations are based on free contract, but their needs make them dependent on the class of employers, who use their dependency to reduce wages to provision of subsistence in kind. Even the acquisitive society, based on the two great principles of liberty and equality, has thus re-established the principle of dependency inherent in any society. The property-owning class, which owns or can acquire capital, has become the ruling class. The non-owning class, in spite of all

liberty and equality, is not free but totally dependent. . . . The objective observer has to admit that the dependence of the laborer on the employer is similar to the conditions of the serfs in their relationship to the manorial lord.

Most people are willing to be dependent if, in return, they are assured of well-being. The peace of the new society which had again reproduced dependence depended on whether the laborer received comfort and security in exchange for his dependence. This leads us to the other most disheartening part of the situation.

The Proletariat (continued)—Pauperism, its Nature and Consequences

There have always been poor people in every society, and usually they have been supported by their fellow men. Whoever is unable to work and does not own enough property to live on is poor. Loss of ability to work may be a consequence of any number of factors for most of which the poor themselves are not responsible. . . . The causes of poverty - lack of ability, or unwillingness to work - are of a personal nature. In times of war and epidemics, a large portion of a country may be temporarily afflicted. . . . But the general conditions, having their origin in individual circumstances, can be ameliorated by taking care of the individual cases. . . .

The situation is totally different when poverty is a consequence of a general cause. In this case the social order itself brings about poverty. Every society, to the extent that it contains an element of dependence, produces its specific type of poverty. . . . This socially conditioned poverty differs with the order of society. The poverty of the Indian caste system rests on the principle of propertyless pariahs; their misery is the inevitable consequence of their total social nothingness. Poverty of slavery results from a degradation of men to mere tools. Poverty of feudalism results from a lack of incentive to work when the lord of the manor receives most of the returns. But industrial society—the society of liberty and equality—also has its specific type of poverty, which results from the same principles on which its order rests. We call the poverty of industrial society pauperism, which is industrial or mass poverty. . . . It is an inevitable consequence of industrial society; it is necessarily part and parcel of the conditions of the laboring class; while dependence and lack of capital arouse the opposition of the laborer against the capital owner, this form of poverty definitely makes the laborer and the capital owner into inevitable enemies. . . . We have shown how factory work and the power of competition lower industrial wages to the subsistence level for the largest part of the workers. As a rule, the laborer is not in a

position to save. . . . His working capacity is his only possession and his only safeguard against pauperization; this working capacity supports him and his family; the average wage equals the average level of consumption. As long as his working capacity is intact and an opportunity for work exists, the worker's well-being is secure without savings. But as soon as his working capacity is impaired or the opportunities for work disappear, pauperization immediately sets in. . . . If the inherent nature of the working class or industrial society can destroy permanently or temporarily the laborer's opportunity or capacity for work, then impoverishment and poverty are the inevitable concomitants of industrial society and a perennial scourge to the working class. It is easy to illustrate the truth of this proposition.

The first and less serious case is the one where, through no fault of the laborer or the employer, temporary unemployment occurs and wage payments cease. . . . The rapid spread of machinery in all fields of production has the effect of bringing about unemployment in those areas and localities where new machines are introduced. . . . This kind of pauperization is usually incurable, and only the subsequent generation, which has been trained for different skills, can again improve living conditions. More comprehensive but also less enduring is the unemployment due to the business cycle. . . . The laborers, suddenly deprived of income, are forced to dispose of whatever small reserves they may have; . . . privation, hunger, and misery result. . . . These deprivations break the power of resistance against the other, more powerful kinds of impoverishment, the destruction of the working power itself through work in industries. This occurs in the first place through old age and its consequences. . . . The working man is not in a position to save for old age. As soon as his earning power declines, pauperization ensues; poverty and age become identical in the industrial world. . . . But no matter how hard old age may weigh upon the laborer, it is not his greatest enemy. What really undermines his working power is the work itself—and partly the wage. This touches upon the sorest spot of the life of industrial workers.

Industry is based on the division of labor. Division of labor assigns to each individual worker a specific task which he has to perform throughout his whole working life. The constant repetition in the application of the same skill affects the equilibrium not only of his body but also of his mind. . . . The industrial worker loses perspective and becomes merely an instrument without a will of his own. He loses the ability to understand and to manage an enterprise composed of a diversity of elements. The full development of his mental capacity is arrested; he is deprived

of capital acquisition by the very process through which he is supposed to acquire it. . . . Work—the source of all strength and blessing—is perverted in industry, it becomes the antagonist of its own resource, the ability to work. More dangerous yet than work itself is the low wage level. We have seen that the laws of industry constantly reduce wages and that the laborer's return becomes smaller with growing mechanization. Poor wages reduce the level of nutrition and thus also the working power. . . . When that happens the worker is caught in a vicious cycle of poverty and doom from which there is no escape. . . . The pleasure of work, which should lift him up, instead destroys him, and the wage level can consequently not be maintained because it corresponds to the amount and quality of performance. . . . What is going to happen if his family expenses increase and therefore a greater effort is required just when his earning power begins to decrease? The answer is simple: he is lost. We need courage to admit this tragic prospect which is pending over all members of a whole class of society as soon as their precarious existence is affected by the slightest misfortune. . . .

It is almost impossible to run a household satisfactorily if security of income and outlook for improvement are lacking. What is the situation of the industrial worker in this respect? The answer is clear: his income is not secure; any recession, any misfortune of his master, or even his master's whim can deprive him of his job. The worker's existence is threatened by any accidents which may occur to him; his small belongings do not contribute to his comfort but serve merely as a reserve to be sold or pawned if the need arises; and finally, instead of being able to expect an improvement of his condition, he has to rely on charity to protect him against starvation in old age. Is it possible to maintain a well-organized and efficient household under these conditions? Certainly not. Complete disorganization is inevitable under such circumstances. . . . There is no escape from this, and all members of the family will, under such circumstances, become absolutely indifferent toward the goods and benefits which family life is supposed to provide for all men. . . . The circle is closed. Nothing of value grows in this atmosphere. Misery and poverty are at home here and reproduce themselves through the processes which hasten the dissolution of the family.

It is at this point that the concept of pauperism derives its full meaning. It is not only the poverty of part of the laboring class, not only impoverishment which hits large sections of the population through industrial changes, but it is the poverty reproduced by industrial conditions and transmitted from generation to generation within the family which characterizes industrial pauperism.

The great differences between mere poverty and pauperism can be clearly seen. Lack of work and income result in poverty, but pauperism is brought about by work and wages in industrial society. Poverty can be coped with through charity; in order to fight pauperism the whole industrial working- and wage-system has to be changed. Poverty has raised the question of which institutions should collect the necessary funds to support the poor from those who are better off, and how such support may best be distributed among the poor; pauperism cannot be understood if it is not analyzed in the context of the social pattern. Any concern about it leads directly to research concerning the social order and its contradictions; it leads to the conclusion that only through far-reaching changes in society can pauperism be eliminated. The struggle against pauperism, which is a by-product of industrial development, is directed against conditions of work and of wages; attempts to change these conditions have been unsuccessful thus far. It is pauperism that has led practical people, in spite of their dislike of abstract problems, and the working class, in spite of their inability to really understand them, to adopt the ideas of socialism. . . .

A glance at Great Britain, the leading power in industrial development, may well suggest the answer to the question of whether pauperism is a danger to the social order; the almost unlimited amount of capital available there has had no effect in eliminating pauperism or even in controlling it. . . . Social investigations in many areas have shown that the price for work, the wage, remains by necessity on the level of subsistence; in view of this, the plea for saving, for domesticity and order sounds almost like mockery. . . . There is no doubt that industrial society consumes people, that it consumes the working population for the benefit of capital. . . . By destroying the vitality of the individual, by debilitating whole generations, by dissolving families, demoralization and destruction of the will to work seriously endanger the general conditions of civilized society.

Now . . . we may raise the question as to whether the above adequately describes the contemporary phenomenon of the proletariat. The answer is no. There is still one factor to be considered which binds all other factors together and facilitates their influence. The powerful social movement of our time can only be understood in its full impact when this particular element is taken into account. . . .

Conclusion: The Proletariat Proper

Any part of society whose members live under the same conditions originally appears as just an aggregate of individuals. . . . But the com-

munity of living and suffering in which the individual exists does not permit such an aggregate to remain merely a number of isolated individuals. A common way of looking at human problems spontaneously develops, and this is followed by the development of common goals. These common goals become all the more specific and powerful the greater becomes the contrast in living conditions in comparison to other parts of society.

The process is precipitated by an idea pertaining to the major social conditions which dominate people's lives. . . . This idea will become the expression of common experiences; it will appear as a light suddenly illuminating the whole problem and position of the proletariat and, as a consequence, the affected part of society will become a self-confident entity with an initiative of its own, . . . attempting to safeguard its interests within the framework of the social order.

Only after this has happened has the personal element of self-awareness, which eventually leads to the recognition of common aspirations, become established in the particular part of society which until then was only determined by the objective laws of the economy. Only at this stage does the social class or the social estate become a social power. This process occurs within the ruling class of society almost unnoticeably. No incentive provided by research, no common stimulus is necessary because the continuously present self-interest provides the necessary daily lesson, clearly illustrating the situation. But the dependent class needs a theoretical framework and a systematic approach to clarify its problem. The appearance of the new social power begins only with the appearance of such social systems. . . .

At the same time when, with the help of machines and the subsequent division of labor, industry and wealth rose to previously unknown heights, a reinterpretation of the nature of value, of labor and of wealth was undertaken. The effect on the history of ideas caused by this new interpretation is comparable to the influence of Rousseau in the area of political philosophy. Until then wealth had been explained in terms of money by the mercantilistic system or in terms of land by the physiocrats. The significance of these two systems by no means pertained only to economic but just as much to social phenomena. If their interpretation was correct, the owner was the possessor of all values and all wealth and therefore was the source of his own social prestige. The laborer, particularly the industrial worker, had no important place in society. . . . The impetus to make the laborer aware of his own conditions came from Adam Smith. The core of the famous opus of this great man is the sentence which states that in the economy labor is the productive element

and therefore labor should be the ruling element. The first argument in support of this truly remarkable principle was that all value is derived from labor, that the relationship of the values of commodities is essentially determined by the amount of labor invested, and that goods may be used accordingly for exchange on the basis of their labor value. Wealth is wealth of labor; the more a nation works the higher its standards of wealth; the nation which receives raw materials from other nations and returns them after processing, then, has to be the wealthiest one. The laws of labor determine the distribution of goods. The producer will always rule over the consumer, and poverty will always be the companion of a life without work. The second argument, based on the first, states that the level of productivity is dependent upon the division of labor. . . . Thus one discovered with surprise that the movement and development of the growing industrial life of Great Britain was based on very definite and simple principles; the striking coincidence of theory and practice resulted in a quick and general acceptance of these principles. . . .

But if labor is really the source of all value and by its very nature the dominating force in society, is the relationship between capital and labor nevertheless reasonable? Is capital entitled to be the dominant power in society? If not, will labor necessarily be victorious over capital? Is labor entitled to gain monopoly of power and determine what the true social interests are? What will happen to the economy then? All these questions were apparently of such immediate importance that Adam Smith had to face them; although he did not integrate them into a system, he nevertheless approached the crucial labor problems in this area. . . . In the masterful sketch of castes and classes, the laboring class, although the interest of the laborer "is strictly connected with that of society" (B. I. Ch. XI.), is the class which gains the least by social progress and which has no voice in the process of industrial society although it suffers from its consequences more than any other class. He even states literally: "Civil government so far as it is organized for the security of property, is in reality instituted for the defense of the rich against the poor or for those who have some property against those who have none at all" (Book V Ch. I). . . .

Adam Smith's principles quickly became the common property of all classes. It was inevitable that the laboring class should begin to use them in order to comprehend its own condition of life. But a striking contradiction came to the surface at this point. If it could not be denied that labor and the division of labor were the sources of Great Britain's wealth, it also could not be disregarded that this very labor condemned the laboring class to remain without property; it became clear that the amount

of property of the wealthy tended to grow to the extent that the wages of those who labored to produce this wealth were kept low. The laboring class was aware of this contradiction; for the first time it realized that it seemed to produce the value of all property through labor alone, and that this very function that it performed was the explanation of its limited share of the total product. The very same principle which regulated the distribution of goods and provided the well-being of the owners also excluded the non-owners from the enjoyment of the fruits of labor. The principle which regulated the social order was based on the complete separation of the two main classes. In view of such a contradiction, the laboring class was confronted with the alternative of either bearing its unalterable lot in silence or—instead of attacking the owner—attacking ownership itself, the very basis of the present community. The working class began to search for a new order of human society on the basis of a new principle for the distribution of goods. . . . The laboring class conceived clearly that the principle of abstract equality of all people was generally accepted but that the laws which determine the distribution of goods prohibited a concrete realization of this principle. The opposition against the system of distribution, the merely negative struggle against the existing social order, now acquired a positive content. . . . There were other factors than mere economic relationships which made the worker aware of the elements determining his unfortunate position. Industry had immeasurably enriched the big cities and at the same time had concentrated large numbers of industrial workers. . . . The exposition of the greatest wealth and refinement, apparently so close and yet unattainable, extravagances side by side with want, accumulation of possessions next to poverty, instigated the appetite of the proletarian and made his lot appear to be one of extreme deprivation. . . . The working class ultimately realized what the causes of its misery were; a common feeling of despair and, simultaneously, of hope for a change for the better, awakened the will to strive for it. Interpretations of working conditions by labor itself vary greatly. . . . However, what is common to all is the socially significant fact that they had begun to conceive of themselves as an independent class of society suppressed by capital, although entitled as workers and as individuals to social equality. This attitude puts the worker into sharp and growing opposition to the property-owning class; it also motivates him to think seriously about the means of changing his condition. . . . The awareness of the social antagonism has thus formed industrial workers into the proletariat of the present.

. . . To illustrate the point that not only socialists and communists

recognize very clearly the relationship of contemporary industry to the concepts of liberty and equality, and particularly as related to the working class, we quote here one of the many statements of modern French literature before the Revolution of 1848. The *Encyclopédie Nouvelle*, written for popular consumption yet containing many excellent articles, states in an article "*Bourgeoisie*" by L. Reybaud: "Why are not all citizens personally free? Because there are many who, driven by hunger, are forced to sell themselves at the first opportunity. They lead a wretched life . . . and are exposed until they die to a thousand afflictions and to excessive labor. But conditions are such that if they would try to escape, misery . . . would force them to come back. . . . These mute and unhappy pariahs suffer on their long journey with us, because their only choice is one between suffering and dying, and it is a man's instinct not to die. They continue to live, it is true, but at the risk of starvation like slaves who only respond to the threat of the whip. These people, I have to state it again, are no free citizens." They are not free, they are not equal, because they possess no capital, only labor, . . . and yet freedom and equality is the motto of recent French history. . . .

During a period of about fifty years, the second main element of industrial society, labor, has established itself independently as a class in distinct and unalterable contrast to the first element, capital. The industrial society, until then only an abstract concept, has established its social order. The general principle that in any society owners are juxtaposed against non-owners has now become an established fact in industrial society, where capital and labor face each other as capitalists and workers. . . . If the social life and the elements of society determine the state and the history of the people, it will soon become evident that this antagonism between capitalists and the proletariat is the essential factor in the coming history of Europe, which is based on an acquisitive society. . . .

THE SOCIAL MOVEMENT OF THE LOWER CLASS

The Proletariat and The Negation of Personal Property and of the Family.

. . . The history of industrial society illustrates that even this type of society, in spite of its adherence to the principle of equality before the law and freedom of acquisition, nevertheless results in the dependence

of those who do not own capital upon capital owners, and in the lack of opportunity for the former of developing their capacities to the fullest. Yet as compared with other social orders, industrial society is the one most strongly committed to liberty and equality—it depends upon them, advocates them constantly, defends them and accepts them. We have shewn how inequality and dependence nevertheless grow. What is the consequence of this contradiction?

If freedom and equality are acknowledged in principle and yet cannot be realized in this society, . . . they have to establish their validity in a different context and with reference to a different and not yet tested principle. . . .

What is the new and final testing ground for these ideas? The answer is obvious. Capital rules in industrial society. Capital makes one group free and happy, the other group dependent and miserable. Capital is an element of material development, yet it is not available to all like light and air. But is it capital as such which brings about the contradiction? Certainly not; capital, which is the end product of persistent and rational efforts, is at the same time an indispensable prerequisite of industrial growth. Nobody will deny that capital accumulation is necessary for the growth of the wealth of mankind which, in turn, is the prerequisite for a personal development. Nobody will deny that capital is the product of labor. . . . Capital as such is not an adversary but a prerequisite of real freedom. . . . Therefore, not capital as such, but only the form in which capital grows and is used, can be held responsible for the seeds of dependence. . . . Under what forms does capital appear? What is it that makes capital as such a capital good? . . . Which quality of capital hampers the movement toward freedom? . . . It is doubtlessly the law of personal property. This is the factor which identifies capital with the life, the personality, and the action of single individuals who are independent of the human community and not responsible to it. This is the factor which puts capital out of reach for everybody else, because the specific capital is inviolable and cannot be disposed of without the consent of its sovereign owner. . . .

This is the first great question which industrial society raises with reference to the basic order of society. . . . But it is not the only one. Is it only the institution of private property which establishes the barrier against the acquisition of capital by individual labor? What is it that makes dependence due to the lack of capital a permanent condition reaching beyond the life of the individual? What is it that gives to capital owners power to extend their rule beyond the life of those who first acquire it? What is it that gives permanent status to those who lack capital and

wrestle in vain with their condition of dependence as well as to those who own capital without having to work? It is the family, with its inheritance laws and its educational function, which establishes a system of super- and subordination, which grants the pleasures of life as well as endless misery, which fosters personal growth and demoralization for the individual within the framework of specific social groups. While personal property gives status to the individual and reverses the original function of capital, family and family law transform it into a permanent universal condition, into the positive order of society.

Let us not be deceived. . . . Any persistent pursuit of the idea of liberty and equality will always lead to the conclusion that the true opponent of these ideas is not the constitution and not social privileges but property rights and the family. If these ideas are vigorous and strong, the insoluble contradiction between liberty, the realization of the highest human aspirations, on the one hand, and property and family rights on the other, will lead to the decisive question of whether the supporters of liberty want to suppress liberty in favor of these institutions or want to abolish the institutions in order to save liberty. Once the idea of freedom has been clearly conceived in the minds of its apostles, they will necessarily come to the conclusion that property rights and the family have to be sacrificed in order to attain freedom. This is not an arbitrary judgment, nor is it a mere ideology or a mistaken conclusion. There simply is no compromise solution possible. . . . The utopians, from Plato up to those of the last century, and the socialists and communists of today with their utopia, as well as the philosophy of law from Aristotle until the present, provide historical evidence and logical proof for this proposition. At this point, the ancient concepts of liberty and equality have reached an impasse, and an altogether new movement in a new area begins. . . .

What are these two concepts of property and the family? . . . Have they fulfilled their function if they have rendered the individual either independent and happy or dependent and poor? Quite to the contrary. The theory of society shows that any social order rests on the coexistence of ownership and non-ownership, that the antagonism between classes results from owning and non-owning, and that the internal stratification of these classes is determined by the amount and the quality of their property. The analysis of industrial society shows that capital is nothing but a specific kind of property and that capital owners, therefore, represent a specific type of ruling class. What is it, then, that requires a justification of property and the family? What makes the realization of the idea of freedom, which requires the abolition of property and the family, impossible? A principle is clearly involved here on which any social order

depends. . . . To abandon it would mean the dissolution of what we call society. . . . This consequence is neither arbitrary nor accidental but necessary and inevitable. What is this principle of society? Society was and always will be the restriction of freedom, [*Unfreiheit*]. It will enforce the subordination and the dependence of one individual upon other individuals; in all its forms and in all its consequences society is built on the restraint of freedom, which is enforced by the cleavage between owners and non-owners.

Therefore, if one aspires to the realization of complete liberty, one must abolish private property and society in order to abolish social dependence; a completely different order of human relationships then becomes necessary; whether one searches for the Republic and for truth merely in the unknown sphere beyond our reach, as Plato did, whether one places it in the realm of the Gods, as did Rousseau, or in the never-discovered countries of this world, as More did, the institutions of private property and the family will not be found there. This is the necessary, though only negative, content of all systems projecting the idea of liberty and equality in whatever form—whether logically derived or imaginatively conceived—as a fully developed system onto human society. I want to mention here a phenomenon which is very closely related to the above subject matter and yet differing from it in form. This is the phenomenon of utopia. The utopia, of which Plato's *Republic* is the first, gives a picture of the human community living in freedom and happiness without private property and without the family, and consequently not living in society. However, none of these utopias has ever exerted any practical influence. Even socialism, which is most closely related to them through the two dominant doctrines it represents, does not show the slightest trace of a relationship, much less an influence of utopianism. Even though the utopias have been preserved and often reinvented throughout the centuries as the lonely guideposts on the road to the concept of freedom, they are without immediate interest in relation to the history of society. We shall bypass them here in order not to blur the original picture of French and British Socialism. . . . The social movement which we are analyzing has no relationship to these utopian systems. Even the works by Morelly, which have been considered as belonging to the communist predecessors of the contemporary French theories, belong to this group; Morelly also was without any practical influence. Therefore, it is important to avoid keeping these two sets of ideas too close to each other, because one easily makes the mistake, as Reyband did, though perhaps unintentionally, of disregarding, because of the practical insignificance of the utopians, the great importance of the socialists. . . .

We have traced the rise of the proletariat of present-day society from the propertyless class. The proletariat is the dependent class, not only factually but also in principle, because it cannot acquire capital. Is capital as such or labor as such responsible for this development? They are not. The cause lies in the fact that capital always exists as private property only. What are the roots of dependence and misery of the proletariat in industrial society? It is not industry, nor capital as such, but the institution of personal and hereditary property which leads to domination and subjugation. Once this truth has been understood, it gains a strong foothold in the minds of the proletarians; it becomes the center of their thoughts and ambitions. The antagonism against property and the family becomes rooted in the industrial proletariat. The proletariat becomes a powerful class ready to act.

A consistent interpretation of abstract equality and liberty necessarily leads to doubt as to the value of these basic social institutions and to the attempt to abolish them. The proletariat accepts these thoughts and is willing to attack both property rights and the family; this is an inevitable and necessary historical development. It is also the basic starting point of social antagonism in industrial society. Since it will, necessarily result in the emergence of a proletariat, this proletariat, in the course of time, will eventually demand, as a consequence of the principle of liberty and equality, the negation of property rights as well as of the family.

This is the great challenge with which the new industrial society of France was confronted by the July Revolution. Never before has society produced a more ominous criticism or a more powerful enemy of the social order. And let us not deceive ourselves; it is not only France which finds herself in this serious condition; any industrial society will necessarily have to cope with it. . . .

These ideas develop when capital ownership has reached such proportions that mere labor is unable to acquire capital. The laboring class develops into an estate, and the state controlled by capital is no longer concerned about the well-being of this estate. The conditions of the proletariat become hopeless because the proletariat lacks means of its own—or assistance from the state—to free itself. It is at this point that the ideas of liberty and equality, which remain the principles of industrial society, necessarily turn against the basis of society, against property rights and the family; the time has come when the lower class of society begins the struggle against the ruling class by attacking those two pillars of its rule, by negating property and the family.

This, then, is the beginning of the social movement in industrial society, the intellectual content of the proletarian movement against the existing order. . . . The downright antagonism in industrial society is not a conse-

quence of the existence of a laboring class which does not own capital, but rather the consequence of the fact that this class has developed into an hereditary estate. As long as dependence of labor upon capital has not become hereditary, the struggle, although perhaps lively in the realm of ideas, does not yet exist in society. This is the great challenge to industrial society and the power of its state. . . . It is certainly true that North America, although it has an industrial society, is not as yet confronted with a social struggle, because workers there still have the opportunity to become capitalists; . . . it is also certain that the proletariat in Europe, and particularly in France since the July Revolution, has become aware of the fact that this opportunity does not exist there any longer and that there the proletariat has become an estate. With the awareness of existing conditions the social struggle begins. The first symptom of this struggle is the negation of personal property and the family, a symptom which has made its appearance in a variety of forms since the July Revolution.

. . . Thus we are confronted not only with theories, nor with a predominantly political, but rather with a social, movement. This and nothing else explains the great importance of those theories and those revolts which have occurred for the past eight years or so also in Germany, where they have been regarded with seriousness and a certain amount of anxiety. Previously we had to state over and over again that those systems and the apparently nonsensical principles of socialism and communism, to which little attention has been paid, had to be interpreted as the most important historical facts of our time, as symptoms of a terrible sickness of the European world. Not having heeded the warning signal lights, one would be helplessly drawn into the social struggle. Nobody has any doubts about this now that the facts are known. The social contradiction has developed into a real social struggle; the time for constructed systems and theories is gone; for the time being, superior military strength has won the battle. But nobody need deceive himself; the settlement is only temporary. The spark glows under the ashes, and sooner or later the same struggle will break out again. Settlement of the surface has not solved the real issues; the proletariat still exists, it still clings to the main tenets of its dogma, and the problem is still essentially a practical one—namely, what does the proletariat conceive of as the realization of this principle, what does it expect from society, what kind of social order does it strive for?

Obviously, the negation of property rights and family is a powerful attack against tradition, but one cannot build a new society upon such principles. Something constructive has to follow. What is this positive content, or what is the social order which the proletariat, after the strug-

gle with the property owners, wants to set up in the place of industrial society? This is the first logical question to ask. . . . And if that negation marks the beginning of a new social movement which will dissociate itself from the traditional interpretation of liberty and equality, of property and the state, then the positive content of the intellectual endeavors is clearly the first positive social movement emerging from industrial society. We shall call it by its proper name: i.e. socialism and communism.

Socialism and communism, therefore, are not only historical facts of an epoch which comes to its close; on the contrary, they have the same relation to the contemporary movement as, during the past century, Rousseau, Mably, Helvetius, Condorcet, Diderot and others had to the political Revolution of 1789. To the same extent as that Revolution deviated from the ideas of these men, the social Revolution of 1848-49 had to modify through compromise the ideas of the socialists and communists. But just as the Revolution of the last century received from the previously mentioned authors its philosophical and scientific background, its clarity of thought, its pungency of criticism, and the strength of its conviction, socialism and communism, too, influenced the events of recent years. Their significance will reach far beyond the period of the entangled present. This is why they are of practical as well as historical importance. An analysis of contemporary society will automatically refer to them as the roots of the social revolution. . . . With all their lack of reality and inconsistencies, they still belong to the history of the social movement to which they gave its first positive content. . . .

The Interpretations and Stages of the Social Movement

. . . Before the concept of society was even conceived, before the new society emerging from the ruins of the feudal order after the Revolution of the last century became even recognizable in its outlines, two men grew up in France who, for the first time in history, grasped with the assurance of strong conviction the importance of the contradiction which industrial society developed in the course of the next twenty years—the antagonism between the proletariat and the capitalists, between capital and labor. They wrestled with this contradiction, explored it, discovered its principle and, with great effort in the loneliness of their intellectual pursuits, built systems on the basis of this principle, systems which made their names famous but their lives rather unhappy. These two men, whom we might call socialists in the proper sense of the word, were Saint-Simon and Fourier. They are representatives of the social movement during its stage of theoretical and scientific analysis preceding its practical applica-

tion. The value of their systems as solutions to the problems has no bearing on their significance. In all movements of similar nature the scientific period has the function of developing a popular awareness of the contradiction and the challenges to contemporary society. This is always accomplished by a theoretical system; . . . the principles of the systems of Saint-Simon and Fourier reflect the social contradiction of industrial society and suggest a solution through the abolition of this society. Saint-Simon and Fourier, appearing on the scene almost simultaneously and working in parallel fields, represent the first stage in the movement of society caused by external and internal separation of the proletariat from capital.

Misunderstood and not taken seriously, they completed their scientific analysis of social conditions while the proletariat, with a growing awareness of its dependency and growing pauperization, was developing gradually into a separate class of industrial society. We have shown that the principle of the state requires the state to lend support to such a class. We have also shown to what extent the upper class interferes with this task of the state. The first dawn of class-consciousness of the proletariat drove it to demand assistance from the state. But the constitutional state, controlled by the ruling class, rejected the demands of the proletariat. Consequently, the lower class turned away from the state. In order to improve its social position it began to conceive a new state order. This is the origin of the political stage within the social movement; its main manifestation is republicanism. This period lasted from 1830 to 1834, when the social movement gained the upper hand, a change indicated by the nature of things.

Political movements are always a consequence of the distribution of wealth and of the prevailing class system. Nobody is more aware of these conditions than those who suffer deprivations and are at the bottom of the social ladder. Wherever the political movement captures the imagination of the lower class, the latter will sooner or later turn against those social elements which hamper its class interests. The system of the distribution of goods as the basis of the political order becomes the center of intellectual and practical interest of the proletariat. And since, within the social order of industrial society, the proletariat necessarily turns against private property and the family, the proletariat finally comes to the conclusion that a new social order has to be established through the abolition of both. Thus the period of communism follows that of republicanism. It is the third link in the history of the intellectual efforts to cope with the contradiction in industrial society. . . .

The further socialism and communism penetrate, the more it becomes clear that an essential improvement in the situation of the lower classes is not possible, and that a realization of the ideas of socialism and communism is even more remote as long as supreme power in public affairs, the state, is exercised by those who have a decisive interest in maintaining the status quo of the social order. All those who want to cooperate for the improvement of the social conditions begin by first turning toward the state. The relationship between state constitution and social order prompts them to demand at least a constitutional change which would provide an organ for the new ideas which have developed in society. This trend marks the beginning of the last chapter in the intellectual effort of society, the reform movement. The circle of the social movement turns back again to the political elements, but it is now broader and more profound than pure republicanism. By including the program of social reform, it comes closest to dealing with the practical origin of the social contradiction. It embodies the seeds of transition from socialism to practical life. It is this train of thought which was responsible for the last Revolution.

These are the main directions in which the thoughts and demands of the industrial proletariat . . . moved. They are the positive results of the questioning of the value of property and the family which have provided the proletariat with an independent intellectual life—much more so than the purely negative earlier attitude. While the negative attitude made the proletariat aware of what it is now, these positive doctrines have helped the proletariat to learn what it may hope, demand, and try to accomplish. Only at this stage does the proletariat become a power, because only now does it acquire a purpose. . . .

All these schools of thought work in various ways toward the same end. From their vantage point, the gravity of the contemporary conditions of Europe, the significance of the antagonism of industrial society, and finally the magnitude of the last French Revolution, which came not altogether unexpectedly, become comprehensible. Now that the time for abstract systems and theories has passed, just as the time of Rousseau and Mably had passed in 1789, they are mere historical facts. At the same time, they remain the important guides for the future of the contemporary social order, the powerful monitors not to hesitate any longer but to work constructively toward the improvement of social conditions lest, otherwise, inevitable acts of brutality and violence destroy the most noble aspirations of men together with their divine impulse for freedom and for a truly beneficial development of mankind. . . .

Part Two, Chapter Two

SOCIALISM, COMMUNISM AND THE REPUBLICAN MOVEMENT

SOCIALISM

. . . All problems pertaining to socialism belong without any doubt to the field of the social sciences [Staatswissenschaft]. It is true that at first glance socialist theories appear to represent useless dreams of unscientific minds and that they seem to require our attention only as oddities and because of their practical relationship to the proletariat. However, it will not escape the more careful observer that the lasting influence they exert rests ultimately on the fact that they have added a new dimension to our knowledge of human life. . . .

If one discusses socialism as a scientific phenomenon, two different points of view have to be considered. . . . In the first place, socialism is a historical fact caused by and deriving significance from external circumstances; from this point of view socialism and its various manifestations belong to the field of history. The system devised by socialism is of secondary importance to history. The important point about socialism in this context is its influence on the conditions under which it developed. The historical place of socialism has to be sought in the history of society. This has not been done so far, and therefore the predominantly historical significance of socialism has either been overlooked, or, as in some cases, interpreted too narrowly or else overrated. It has been the purpose of our presentation to show the historical significance of socialism in the correct light and in its proper proportions. . . .

Secondly, socialism is a scientific system. The question can therefore be raised as to what its place is in the social sciences, to what branch of the social sciences it belongs. . . . Usually it is concerned with the problem of pauperization, mass poverty and the proletariat; it is generally regarded as a theory concerning the ways in which social conditions can be improved.

But if one looks closely at the historical significance of socialism, it

becomes clear that these interpretations are not sufficient. For socialism does not grow out of the proletariat, it grows with it; it embraces not only the proletariat but the whole of society. Doubtlessly, socialism belongs to a different discipline. Only the most general principle of socialism will indicate what this discipline is.

We have stated the principle of socialism in the introductory chapter. Socialism, originating simultaneously with industrial labor, has been first to recognize and formulate the contradiction between the idea of personality and the rule of capital over labor. On the basis of this observation, socialism has established the principle that labor, as the free activity of the personality, ought to be free of the rule of capital and ought to be the determining factor in the distribution of goods. Since capital exists only in the form of private property and as such determines the economy of the country and the life of the family, socialism is necessarily committed to the view that labor should rule, not only over capital, but also over property and the family; it should rule in such a fashion that both, property and the family, would be abolished if they were opposed to the rule of labor over capital.

Since the whole order of the human community is based on property and the family, the whole order of human society would be dissolved if one acted in accordance with the two above propositions. And since all state constitutions are derived from the order of human society, the abolition of all hitherto existing forms of state would follow.

In this fashion the first principle of socialism has led to a negation, not only of capital in its present form, but also of society and of the state. Socialism had to replace them by something else. Socialism had to try to establish a new order of property and thus of society and of the state solely on the basis of labor. The systematic development of the idea of capital, of property and of the family, of society and the state under the rule of labor, is the goal of socialism. It is the great merit of socialism to have made us aware for the first time of the relationship of labor to the free personality and to have discovered the existence and the power of the social order over men, as well as the contradiction between the social order and the free personality. . . .

This, without any question, is the element in socialism which, aside from the historical importance of socialism, determines its position in the social sciences. . . . Socialism is, indeed, a part of the science of society, a part which has not yet found its proper place.

The very fact that socialism considers itself extraneous to the funda-

mental order of contemporary society makes it all the more aware of the necessity to justify its principles by bringing them in harmony with the loftiest human ideals. Man therefore turns away from his concern over mere social systems toward the realm of the divine and searches for the principle of what he wants to realize in this world, namely, the divine destiny of man. . . . The divine fulfillment of man's life is thus retraced to its loftiest beginning. This fulfillment consists not merely in the achievement of equality and liberty among men; it also means the establishment, through the rule of labor, of the kingdom of heaven on earth. As a consequence, the social order will save humanity and ascertain its happiness by means of labor. Thus, socialism turns from a mere science into a doctrine of the essence of deity and from that into a religion. This is why the various socialist systems usually become sects. . . .

If it is true that the greatest perfection of men through work is the highest goal of the divine destiny of mankind, then history up to the present must be the distinct, even though imperfect, manifestation of this destiny. . . . Socialism gives history a specific meaning; the more profoundly socialism dwells on its own principle the more confidently it strides into the unknown future of mankind. This is the beginning of the socialist philosophy of history. . . .

Man can comprehend the world only to the extent that it serves his destiny. As the awareness of his destiny increases, he begins to search for a confirmation of his awakening conviction outside of himself, in the realm of nature. Every ego gaining self-awareness, sees itself as a microcosm and is convinced that the center of the universe can be discovered at any one point. The idea that man's destiny lies in the enjoyment of material wealth may confine its manifestations to the organization of labor. If, however, this idea is explored more deeply, . . . one must attempt to cope with life on a universal scale and discover man's destiny as part of it. For the destiny of man appears to be directly given to and invested in man, as the will of the creator, as the law of God; it is to be realized in the existing world, which, created by the same God, consequently must have been created for man. . . .

Thus socialism becomes a philosophy of life, and there it takes its place among the great philosophies—a place of which it had so far been deprived, not due to the poverty of its basic ideas, but owing to the incongruity between its principle and reality, and partly also because of the lack of understanding and malicious misinterpretation. It is certainly worthwhile to study seriously the manifestations of social-

ism throughout history with Saint-Simon or with Fourier, who have attempted to formulate the laws of the productive forces of history. One must, in doing this, disregard the cumbersome details for the sake of gaining understanding of the general ideas of socialism. I mention the names of Saint-Simon and Fourier together because the same basic thought is expressed by both of them, although in each case different conclusions are reached. The question of the organization of industries is only one among many others with which they deal. It is easy to disregard the problems they raise, and even easier to attack or to ridicule them. Yet their systems reflect genuine progress; for the first time enjoyment of life has been accorded a definite, albeit too prominent, place in life. . . .

But the destiny [*Bestimmung*] of man, in the true sense of the word, embraces not only the benefits of the external world but also the highest potentialities of man's development in this world. It also refers to man as a moral being. For what is morality if not the fulfillment of human destiny as assigned by God? Whatever I do in harmony with my destiny I do in accordance with the will of God; there is no other moral principle beyond that one. Therefore, socialism—after having established its basic tenet—develops not only a philosophy of life [*Weltanschauung*] but also a hedonistic morality, the justification for the gratification of the flesh. The organization of industry which socialism demands is a demand not only on the basis of the laws of nature and history but a demand of practical ethics, the expression of God's will with regard to human action.

. . . If we try to summarize French philosophy of the last century, we can say that it is opposed to the notion of a higher destiny of man which cannot be realized in this world. This rejection of belief in God, in the state, and in the church is followed by the adoption of the idea of personal interest. While Voltaire was the main exponent of the negative side of this school of thought, Diderot is the philosopher of personal interest, and his greatest successor is Helvetius. The absolute Ego conceived by Descartes finds its place in the material world, while in Germany its realm is considered to be the realm of ideas. Diderot and Helvetius have a significance for France which is similar to that of Kant and Fichte for Germany. Personal interest provides the formula for the supreme justification of the Ego and its actions in the sphere of reality, in the confrontation with the historical Ego, the material, political, civil man. This is the idea which the last century has handed down to the present. . . .

But where, if we look at France, do we find the application of the

basic tenets of French thought to reality? . . . The answer to this question is obvious. It can be found only in what we have called socialism. We should not be disconcerted by the fact that the socialistic systems thus far have not encompassed the whole problem area open to them, nor that they have not probed into all the important questions or proved the assertions they have made. The main point is that these socialist systems represent for France . . . the point at which the perceptions of man's inner life and of nature merge into a practical system, the moment at which the understanding of being results in the law about what ought to be. Socialism has thus acquired a unique position in French philosophy. . . . Although claiming to present nothing but a social system, socialism has transcended far beyond the limits of the narrow field to which it had confined itself. . . .

What, then, is this society proper for which socialism had developed a set of interpretations? Society is not only a fact, not only a common way of living, like the state. Society is the order which assigns to the individual, according to a rigid law, his world destiny, the standard of perfection of his individual personality. . . . Socialism, by developing a philosophy of life on the principle of work, has for the first time set forth the demand to view the whole material world in relation to the destiny of the individual. Socialism has thus confirmed the truth that the society of men is not only a given order, but that, in the variety of its appearances and principles, it is the form in which the destiny of the external world manifests itself to serve the individual to reach his fulfillment. The specific social order is nothing but the specific stage which this individual development has reached. It is here that socialism has blazed the trail for the loftiest and most dignified interpretation of the natural world and its relationship to the idea of personality. . . .

COMMUNISM AND ITS RELATIONSHIP TO SOCIALISM

It is not unusual for communism to be interpreted as the essence of a number of systems which—having the same point of departure as socialism although reaching different theoretical conclusions—encompass the other half of the entirely doctrinaire movement in the development of the social contradiction of our time. This is an understandable interpretation, since communism is represented mostly by more or less elaborate theories with followers who set up schools of thought and engage in a purely scientific propaganda. In order to understand the essence of communism, one must search for a common denominator of the common principle of these systems. Many people believe that

they understand the essential tenets of communism if they have grasped its main principle and its variations. . . . This opinion is the main reason for the many vague and erroneous notions about communism; if one wanted to understand how the phenomenon of communism occurred in the history of a nation, how it grew, spread and reached its present strength, one must above all guard against the interpretation of communism as a definite, clear and logical system. Even at present, communism, growing in strength and scope, has no specific doctrine; all the individual communistic trends and systems have little or no power at all over communism as a whole; communism has sometimes accepted, sometimes refuted them, has temporarily embraced them but again forgotten them without changing its character or its direction. This is precisely why communism is so much more important and more powerful than socialism. It cannot be denied that socialism is much superior as a system than anything communism has offered; socialism has had a deep influence on the various communistic systems, more than the communists ever like to acknowledge. Socialism is the scientific expression of the interpretation of the social movement by an individual, while communism is the response of a whole class, the expression of a whole social situation. Its specific doctrines, its pamphlets and other material it offers give but a superficial picture of communism. Its inner meaning cannot be understood like that of socialism—through one definite principle; communism can be understood only as part of the elements of industrial society and the inherent contradictions of this society.

Therefore, it is useless to attempt a doctrinaire definition of communism. Communism is a phenomenon and a trend in the contemporary world, which has first drawn attention to the contradictions within industrial society and which has made both major classes of this society aware of this contradiction. It has not developed logically but grown historically. Traditional history cannot explain communism; only the history of society can analyze its origin, nature and content. . . .

We have shown how the ideas of liberty and equality during the last hundred years have been accepted as the principles from which the social movement in France proceeded. . . . By the end of the Restoration, society apparently had reached its final goal, and liberty and equality had become the slogan of all classes. However, as soon as the alliance between the owning class and the proletariat had defeated the Restoration, it became evident that the emergence of industrial society growing out of the acquisitive society had again suspended liberty and equality by making it impossible for the industrial

worker to acquire capital, which had become the prerequisite of liberty and equality.

This way of thinking had been accepted by the people ever since the Revolution, and liberty and equality had become the norm of all attitudes and the cause of all struggles. These two ideas have survived the subjugation of the working class by the capital owners; they prompt the workers to raise the question as to where—after so many victories of liberty—the enemy of liberty, the unconquerable germ of dependency, may possibly be located.

Since the people had overthrown the old regime in order to abolish dependency, it was only natural that they should look toward the new state authority to safeguard liberty. But for the people the new state remained essentially the same as before the July Revolution. Any changes which occurred did not affect the political position of the propertyless class, but only that of the owning class. The proletariat soon became disillusioned, and now the same antagonism which was formerly directed against pseudo-constitutionalism became directed against constitutionalism proper. This hatred became, with the support of political democracy, the fertile soil of republicanism and of the prolonged republican struggle, a struggle in which the Republic was finally defeated by constitutionalism.

After this defeat, . . . popular interest in political change slowed down; recognizing intuitively that constitutionalism was not a matter of principle but was rather a matter of secondary importance, the people now turned their attention toward the major antagonist in society. The social order also seems to be at first glance a mere fact; but it is easy to discover its dominant principle. It is the principle of the rule of the owners over the non-owners, enforced by the institution of the family and protected by the law and the power of the state. As soon as this is recognized by the class of non-owners, which is daily growing in numbers and importance, a complete change in the interpretation of public affairs suddenly takes place. A hatred against all property-owners develops, particularly against capitalists who live on unearned capital revenues. The question arises of whether a principle which tolerates the social subjugation of non-owners by the idle owners of money can be a just principle in relation to liberty and equality. This principle, the law of property and the preservation of the family, is increasingly being questioned by the non-owning class, the more quickly and radically the more they lack property and family life. The doubt about the value of these institutions soon results in an antagonism against these institutions and represents the spirit

of this class. . . . It is this negation which makes the owning class aware of its social conditions and of the antagonism of the existing social order against the ideas of liberty and equality. This negation is the true and proper expression of the inner conditions which accompany the origin and the rule of industrial society; it is, so to speak, the light which makes these conditions visible; it gives rise to specific systems, more or less important and varying according to the basic interests of the individual author; however, the antagonism itself is indifferent to these systems; it persists in the pure negation of property and the institution of the family. It is therefore not in a position to explain what is supposed to happen if the institutions are abolished. After this it is hoped that a positive solution may be found in which the ideas of liberty and equality would be incorporated into a new system of property and labor relations. The longer industrial society persists, the clearer the position of the proletariat becomes. All individual systems and movements have essentially no other function for the masses of industrial workers than clearly to define their position. This is accepted by all communistic sects and all factions. It determines the general climate of popular opinion.

No specific system, no deep insight into its problems, no elaborate analysis is required in order to realize this. Any statement regarding the unjust position of the proletariat falls on the fertile soil of the sad and hopeless conditions of the proletariat, and simultaneously touches all the chords of its spiritual and material life. Any doubt in property and the family signifies to the worker an understanding of his misery; any demand for material independence and equality signifies sympathy with his hopes. The deep contradiction imbedded in industrial society has found its intellectual expression. The proletariat has found the definition of its position in the realm of ideas; these ideas have aligned the various social groups into the two great antagonistic camps.

This is the general trend of development of the proletarian consciousness. The awareness on the part of the proletariat of the contradiction between its position and the ideas of liberty and equality results in a negation of property and of the family; they become the great opponents of liberty and equality. All the systems, sects and movements which grow out of this awareness we shall designate by the term communism. It now becomes clear how wrong are those who interpret communism only as a specific system built on the principle of abolition of property and the family, and how deep is the error of those who want to fight communism with weapons appropriate to

fight a wrong system. Neither logical refutation, nor a benevolent admonition, nor arrogant disregard will be of any help. Communism is, indeed, a historical fact of the greatest significance, a historical fact, however, exclusively for the history of society. Communism is the condition of which socialism is merely the symptom. It is nothing but a stage of intellectual development in the antagonism of the elements within industrial society which precedes the actual struggle. . . .

Let us not deceive ourselves. The great concern and interest which communism, even more so than socialism, has aroused also in Germany, even the fear which the concept of communism inspires, is a result of the growing understanding of the deeper meaning of communism, a meaning which transcends any individual communistic system. In fearing communism, its spread over the nations, its impending dangers, one is afraid not only of the dangers which a mistaken and ruinous doctrine may bring about; state and society are allied against communism not because they expect disturbances by the working class or even an occasional revolt. The true concern is the fact that communism, as the expression of proletarian class consciousness, may sharpen the opposition and the hatred between the two large classes of society and thus become the seed of a general European struggle within the very heart of society. Indeed, there can be no doubt that the intuition of the people has been right. If communism is really the terminal point which the development of the proletariat finally reaches, and if the proletariat necessarily grows out of the industrial society, . . . is it then possible to consider communism as an isolated French phenomenon? Is it not natural that it should spread over Germany and might spread ever further to the extent that the industrial order of society spreads? Is the incessant growth of communism a result of communistic propaganda?

Quite the contrary. Science must admit, without recoiling from the truth, that communism is a natural and inevitable phenomenon in any nation which has developed from a market society into an industrial society and which has given rise to a proletariat. There is no power in the world which can prevent the growth of communism. Communism is not only a fact but a necessary historical point of transition in the development of society. The specific systems which communism brings about are irrelevant, but communism itself as a stage of social development is inevitable. . . .

The following presentation of events is based on this point of view. . . . The communist systems are of secondary interest; they are only the sign posts in this area; what is essential is the attitude of the

lower classes, which cannot be deduced theoretically but has to be studied empirically. . . . Therefore, we shall let . . . the course of events illustrate and explain the specific content of communism.

REPUBLICANISM 1830-1835

The Nature of Republicanism

. . . To the extent that the state constitution is a manifestation of the existing social order, the acceptance of a theory which aims at overthrowing the existing order is impossible, even if this theory is accepted by a considerable part of the population, unless this theory arises out of a corresponding antagonism in society. The same is true for the opposite case. Wherever there is social antagonism in a society, it is impossible to check the spread of such a theory. For this reason—which can only be discovered by the science of society—the hardest and most extensive measures applied against subversive theories and movements is either superfluous, as is illustrated by the history of the stable social order of England, or useless, as has been demonstrated by the historical example of France.

Therefore, if republicanism arises, spreads and gets a foothold among the masses of the people at any time or in any country, the first principle of political observation and historical analysis ought to be that as a political movement it is of minor significance. It is, however, all the more important as a symptom of the social movement. If one desires to suppress republicanism, one has to start out with changing social relations, instead of calling out the police. Republicanism has always been the precursor of the struggle of the numerically larger but socially suppressed class against the less numerous ruling class. With the exception of the last two years, this interpretation has never been more decisively confirmed than through the history of the French republican movement under the July monarchy.

Already during the Restoration, a lot of young men, particularly of the educated class, inspired by the struggle of the bourgeoisie against the reaction and unable to understand the specific nature of this struggle, had enthusiastically devoted themselves to this movement. But this movement, which had aimed predominantly to safeguard the influence of economic interests in politics, had rejected these young men, since they did not represent anything but their own rather con-

fused opinions. . . . They conceived the idea of changing the order of the state exclusively on their own. . . . Commanding no public influence, partly as a result of their personality, partly as a result of their socio-economic condition, they could attain this purpose only by constituting themselves as a group whose power rested upon its secret aims and upon the complete obedience of its members. This is the origin of the first secret society in Paris, under the leadership of Bazard, who later became a Saint-Simonist, and of Flotard and Buchez, the founders of the group. This was the society of the Carbonari. It sounds paradoxical, yet is confirmed beyond all doubt by those who know, that this association, from the beginning to the end, never knew what it stood for. Its members had nothing in common except hatred against the Restoration; Louis Blanc is absolutely correct when he states: "Carbonarism in its organization is powerful and amazing, but its principle is childish. Its main supporters expressed their basic principle in the following statement: Power is not justice; the Bourbons have been re-established by foreigners; the Carbonari desire to reinstate the free exercise of the rights to which the French nation is entitled: to choose the government which it prefers." The association is based on as shaky a principle as "a conspiracy with a great deal of enthusiasm, but without any concept for the future, without any rational plan, a prey to any willful passion. The vaguer the formula the better it was adapted to the various manifestations of annoyance and hatred" [*Louis Blanc, Histoire des dix ans* I, 99]. At another point he adds: "There were among them Republicans, Orleanists, Bonapartists; some joined the conspiracy without any purpose but to conspire. The activities were as varied as the principles, and in the heart of the alliance there was at such a critical moment nothing but chaos."

And yet this movement had spread over all of France and beyond it. Outstanding men, such as Lafayette, participated in it and risked their lives for it. It was drowned in blood, and its followers died as if for a great cause. How was such a phenomenon possible?

We have shown how the inner struggle in France under the Restoration was led by factions of the acquisitive society against the re-institution of feudal principles. Carbonarism, with all its devotion and confusion, had no specific role in this struggle. It obviously stood for something else, something that those other elements did not comprehend, did not perhaps even acknowledge. What was this third element which tried to assert itself emphatically although inarticulately beside those who fought for the rights of citizenship or for feudalism?

Until the July Revolution nobody had raised this question. Car-

bonism was forgotten. But its seeds had grown exuberantly.

The ordinances were issued, the battle began; within three days the fate of the Restoration was decided, and jubilantly France again raised the Tricolor over the Tuileries. Yes, the Tricolor was back again, the state belonged again to the people; they were free. The old injustices were destroyed. New laws had to be established. The message of the great victory had spread very quickly over all of France; people were prepared for new things to come; hopes went high; great memories were being revived. Apparently a new era had started.

Then, all of a sudden, only a few days later, before the people had recovered their senses and clear understanding, a second message arrived: The Duke of Orleans has been installed as hereditary king; he has sworn to uphold the Charter. The Revolution is thereby declared to be over.

How had this happened? Who has a right to stage a revolution? Who else but the people? And who had put an end to it? Were the people consulted? Were its representatives summoned? Did the people have a choice of drafting a new constitution? Did the necessary quorum of the Chamber of Deputies meet? Did all members present agree? And, above all, did those who agreed have a mandate to do so, and through the mandate a right to do it? Obviously not. Who, then, brought the revolution to a close? The people? No. Only the majority of a partly dissolved Chamber of Deputies, elected on the basis of a law which had been fought by the deputies themselves, without consultation with the people, without reference to the people and without a mandate from them. Was the election of Louis Philippe an act in accordance with the law of the land? Certainly not; it might have been an act of political wisdom, defensible or questionable as such, but it certainly was not a legal act.

Who had brought this off and who had secured a general acceptance of the new monarchy? It must have been a force outside the legal framework of the state, a power which had made the arbitrary decision to impose new laws upon the whole nation. What power could have dared to do that? Only that power which the Chamber of Deputies, during that August of 1830, represented by its very composition. . . . And what "power" was that?

One glance at the property qualifications for members of this Chamber which established the new monarchy answers this question. The voters were the small capitalists, and the elected were the big capitalists. The elected deputies represented, in fact, one specific social element, the main element of the acquisitive society: i. e. capital. It was

capital or the capitalists who, without formal rights and without a mandate from the people, had reinstituted monarchy, had declared the revolution to be over and had determined the new constitution.

The capitalists had usurped the highest legislative power of the state in a decisive moment without consulting the people. The termination of the July Revolution through the old Charter and the setting up of the new monarchy were, indeed, acts by which the social class of capitalists, by taking possession of the government, established itself as the ruling class. The end of the July Revolution was followed by the establishment not only of the French state but also of French society; it suddenly taught the acquisitive society, as yet undivided in its elements, . . . that the capitalists were the ruling class. Thus the sudden transition from the preceding form of society to an industrial society was accomplished. A new form of subordination was established in place of the older one, which had not yet been completely abolished by the Revolution. This was the sweeping change involved in the apparently quiet and noncontroversial election of the new monarchy. The July Revolution, therefore, had not only destroyed the last vestiges of feudalism but had also established the rule of industrial society. . . . This is why the July Revolution was predominantly a social revolution.

Indeed, if capital now took the place of feudal monarchy, the ideas of liberty and equality, rekindled during the Restoration, soon had to take account of the new form of domination and to discover their new antagonist. . . . What would be the manifestation of this new antagonism between these ideas and the existing order? . . .

Since the new monarchy and the old Constitution had been reinstated by the representatives of capital, monarchy in particular was interpreted by the partisans of equality and liberty as the definite exponent of the rule of the capital-owning class over the rest of society—all the more so since it became increasingly more evident that the monarchy was the strongest pillar of the rule of that class. Indeed, the origin and growth of genuine constitutionalism proved that this interpretation was correct. Since the first days of the new monarchy the intuition of the people had been correct; the monarchy of the July Revolution presented for the people the permanent confirmation of the fact that this Revolution had established the domination of the ruling class of industrial society over the state.

The inevitable consequence of this insight was simple. The whole sector of the population which, for purely abstract or positive social reasons, represented the ideas of liberty and equality naturally turned

against the institution, the monarchy, which it considered to be the expression and the stronghold of the most powerful adversary of those ideas. This sector of society was inevitably driven to fight the monarchy—not monarchy as such but that which it represented. From a logical as well as a democratic viewpoint, the ideas of liberty and equality after the July Revolution necessarily had to be opposed to the idea of monarchy. Thus the question arose as to whether monarchy was at all reconcilable with these ideas. And since the answer was in the negative, the republic appeared to be the only constitution appropriate to the principles of liberty and equality. For this reason republicanism after the July Revolution presents a very simple and natural phenomenon in the social movement of the French people. . . .

It ought to be clear by now that republicanism was not at all a mere theory; it gained acceptance, not only because the election of Louis Philippe was highly objectionable from a legal point of view and was accepted merely as an accomplished fact, but because republicanism was a part of the social reality of that time. It was the first and most vivid expression of the antagonism of the dependent against the ruling class in the new industrial society, the first and great slogan of the struggle of labor against capital. . . . Republicanism, no matter how one looks at it, is essentially negative; it is not yet anything except a rejection of monarchy; it knows what it does not want but it is very confused about its goals. Republicanism at this stage is only the expression of the antagonism of industrial society under a constitutional monarchy. Republicanism is as little aware as is society itself as to where the deeper roots of this antagonism are located, and therefore it cannot predict what will happen if it ever should be victorious. This is, on the one hand, clearly the strength of republicanism. Due to the vagueness of its goal, the two elements of republicanism, the democratic and the social, can still cooperate. On the other hand, this lack of awareness is also the weakness of republicanism, because vagueness deprives republicanism of the strength to act decisively at the proper moment and also of confidence, which is the final attribute of success even for moves which have been carefully prepared. Republicanism remained a pure negation of monarchy in the name of equality and liberty; it therefore had to come to an end before the specific character of the social movement could emerge.

. . . If we review the history of the first French Revolution, we also discover that pure republicanism preceded the theories of communism. The same phenomenon necessarily repeats itself. For republicanism is the political manifestation of the abstract ideas of liberty and equal-



ity; liberty and equality as practical issues arise only after those abstract ideas prove to be inadequate. The events of the years 1793 and 1795 repeat themselves in a new form; the eternal laws of the life of human society assert themselves. These laws are as eternal as the laws which control the atoms of material life and move the grains of sand and the solar systems.

The Struggles and the Defeat of Republicanism

After Louis Philippe had acceded to the throne, Paris was by no means pacified. The Revolution had created considerable commotion among the population. State power, a little while ago still in the hands of the people, had not yet regained its balance. The army, the main support of the state, had not yet developed complete loyalty to the throne; it could not as yet be used to control the population. People were very restless; it was a period in which conditions were similar to those of 1791 and 1792. Two phenomena occurred again which we called to the attention of the reader earlier. Due to the lack of a completely independent state, the two main classes of society began to organize in two large bodies which, consciously or not, represented the inherent antagonism within society. They were the National Guard and the Clubs. Both of these reappeared immediately after the July Revolution.

One of the first administrative acts of the new government was the establishment of the National Guard, which spread over the whole of France at the beginning of the July monarchy. Its organization in Paris was pursued with particular zeal. Already on August 29th, 1830, the King was able to review a spectacular parade of the National Guard. The existing social order thus became armed and prepared for any eventuality. But at the same time Paris abounded with clubs and public speakers. All of them were opposed to the prevailing institutions. They aroused skepticism regarding the new monarchy and sowed the seeds of discord and opposition. . . . With the July Revolution, a large number of newspapers and pamphlets had appeared; they became the center of quarrels and fights, opposed the Chamber, attacked its position, its rights and its policy. They became the carriers and propagators of republican ideas. Soon enough the Chamber had to have a showdown with them. . . .

The struggle began on November 9th; . . . on that date the question of the republic was first raised; Guizot, indicating the trend of his future career, most decisively argued against the establishment of a

republic in France. He stated: "France is not republican; one would have to distort one's convictions in order to introduce this form of government here." The ruling class accepted this declaration jubilantly; Guizot had dared publicly to challenge the republic; from then on he became the minister of the capitalists, all the more so since he himself was not economically motivated. The middle class, under Odilon Barrot, joined the right-of-center ruling class, since it had a chance to acquire capital also. The republicans felt distinctly for the first time that they were in the minority. The original separation of the various elements of the new society had taken place.

From now on the clubs increased their activities of agitation and propaganda for the republic; the bourgeoisie moved more distinctly into the opposition by supporting the existing Constitution. But the question remained uncertain whether the Chamber would establish the major republican institutions even if it were to reject the republican system as a whole. Only this question would, however, determine the future attitude of the republicans; the question was decided together with the question on the electoral reform.

It was imperative to revise the old electoral law of 1820. This law had made voting rights subject to high property qualifications; only the large capital owners were admitted to participation in politics. The industrial society had the power to modify property qualifications, but was unable to eliminate them because they corresponded to the very nature of industrial society. The republicans were very well aware of that. They knew that the dependence of the lower class could only be destroyed by extending its political rights, by putting the worker on a par with the capital owner. They knew that the reform law would establish the political equality of the masses, the first step toward the realization of the republic. If it was possible to accomplish a basic change in voting rights, there was hope of realizing the ideas of freedom and equality with the cooperation of the Chamber. If the old law remained in operation, capital would retain its power, the Chamber would be re-elected on the old basis without a revision in property qualifications; any hope of the establishing a republic with the cooperation of the existing organs of the state vanished. . . .

There was no question as to the decision. The representatives of capital considered themselves entitled to preferential representation. After violent debates which revealed the hopelessness of the situation for the republicans, the electoral law of March 9th, 1831 was passed. . . . The move to establish universal suffrage was completely defeated; the ruling class retained the exclusive constitutional right to participate

in the decisions concerning the affairs of the state.

This was the crucial moment when republicanism had either to accept defeat or to transfer its struggle into another area. The clubs were still in existence; so was general participation in public affairs. But because of the Army and the National Guard there was no hope for immediate success through the use of arms. The Republican Party resorted to the last method of subversion by becoming an underground movement. . . . Well aware of the fact that splinter groups would weaken it, it attempted to concentrate its major strength in the "*Société des Amis du Peuple*," which grew in part out of the old Carbonarism. . . .

With the beginning of the year 1831 street fighting started. The republicans hoped in this way to gain the victory which was denied them by the electoral law of the Chamber. Toward the end of 1831 the first revolt broke out in Lyon. This much discussed revolt was neither republican nor socialistic; it was simply a result of a long dispute between masters and journeymen. But it was here that the laboring class became for the first time aware of the fact that its interests were closely interwoven with those of republicanism and that both had to struggle against a common enemy, the domination of the capitalists. . . . Indeed, this dispute established the bridge between democracy and the proletariat and the alliance of both for years to come. . . . The outcome of the dispute, of which Louis Blanc has given a detailed report (Vol. III., Ch. 2), which ended with the total rejection of the demands of the journeymen, contributed toward a more belligerent attitude of republicanism which was needed in order not to lose the powerful and important support of the workers. With the beginning of 1832, the leaders of the Republican Party stood up for their cause more openly. . . .

Side by side with the *Société des Amis du Peuple* there developed the "Gallic Society" and the "*Société des Droits de l'Homme*." They established contacts, but no other decisions were made except as is usual under such conditions—to be prepared. At this moment General Lamarque died. He had been one of the most distinguished leaders of the Republican Party; at his funeral the storm broke out. The government had been prepared; 24,000 men were ready for the struggle; they were supported by secret agents of the government in the clubs. The revolt collapsed. The republicans were dispersed and defeated, the rest, a handful of men, shot down near the cloister St. Méry. Such was the fate of the revolt of June 5th and 6th, 1832.

Republicanism had met a serious defeat. But the government did

not limit itself to controlling the revolts of the streets. An investigation against the *Société des Amis du Peuple* was instigated. . . . The main purpose of this whole trial was to illustrate the criminal character of republicanism. This is the main reason why the trial is of historical interest. However, the memories of the Revolution were still much too vivid; the jury acquitted the defendants. This was a legal victory which very well compensated for the defeat of June 6th. Although the president of the jury had declared the society dissolved, republicanism again raised its head. A last showdown had to be attempted.

The year 1833 was approaching, the year of preparation for the last decision on the future of republicanism. The press of the party acted with ever growing recklessness. . . . The *Société des Droits de l'Homme* now became the center of republicanism. This society differed from all the others in one specific point. It was the first society which attempted to formulate a definite goal for its undertakings. It allied itself with the republicanism of the first Revolution and accepted as its program the Declaration of the Rights of Man by Robespierre. The declaration was published as its own manifesto. With the publication of this manifesto, the center of the new republicanism was established. . . . It was the turning point in the whole history of republicanism.

This declaration showed for the first time that two essentially different and incongruous elements existed within the republican movement. For the program of that society contained, in addition to proposals regarding the organization of the republic, a large number of social principles. It suggested an "emancipation of the working class through an improved system of distribution of labor, a fairer distribution of profit and the preparation of collectivization." The Rights of Man of Robespierre went even further; in Article 6 it had been suggested that "property be permitted only in those goods which were allotted in equal shares to all by the law; the state should take over the organization of labor and the distribution of commodities, and state power was supposed to be in the hands of the masses. There is no doubt that the members of the society did not clearly realize the consequences of these statements; but popular sentiment soon became aware of them. The republic of this republicanism embraced more than a plan for a specific structure of the state. . . . To be sure, the concept of communism or of socialism was not as yet known, but the first indications of these thoughts began to appear. The newspapers of the upper class exploited the weak points which republicanism had exposed. It became increasingly more obvious that the issue was not primarily one

of a new form of the state but of a new form of society. Those who were doubtful on this question started to retreat. The inner strength of the society was broken before it even had an opportunity fully to emerge.

The Chamber recognized correctly that it had an advantage over republicanism, which had lost control over its own program. The government, however, tolerated further activities by the Society. But soon the first steps were taken: public sale of the newspapers was prohibited, and early in March, 1834, the Government introduced a law according to which secret societies were prohibited under the threat of punishment. This law aimed essentially at the *Société des Droits de l'Homme*. The law . . . was a declaration of war by the Chamber against republicanism in general. . . . As soon as the law was published the republicans took up arms for the last time. The struggle broke out simultaneously in Paris and Lyon. There has rarely been such a confusion, such a lack of control as at the outbreak of this struggle. The alliance lacked a leader, it lacked a plan, it lacked arms and munitions; it lacked, above all, already at this point, the support of the middle class. Republicanism was isolated. It fought bravely and long, but there was not the slightest hope for victory. The Government had been well prepared; it welcomed the attack as an opportunity to defeat its mortal enemy by one stroke. But most decisive was the position of the National Guard. It definitely sided with the Government and fought with great courage against an enemy which it suspected of being an enemy of property as well as of the Constitution. The republicans were defeated; they dispersed in all directions; the *Société des Droits de l'Homme* was dissolved, the prisoners condemned after a long and severe trial, and the power of republicanism was destroyed. At the same time, new elections took place. Republicanism failed completely. The Government identified itself closely with the ruling class. From now on, the industrial social order and constitutionalism seemed firmly established. . . . The September laws of 1835 were promulgated. They declared the public defense of republican theories and public assemblies a crime. . . .

We may now ask: Who, after all, won in this four-year battle; who was defeated, and what are the consequences of this victory and this defeat?

The Transition to the First Purely Social Movement—Communism

Glancing backwards over the development of French society during this period, one discovers that it was the July Revolution which had

transformed the acquisitive society into industrial society. Furthermore, it becomes evident that in industrial society the opposition between the property owners and the propertyless is expressed in terms of the opposition between capital and labor, and that all dependency is in practice a consequence of the rule of capital. . . . The opposition which arose immediately against the July Revolution . . . was based on the abstract principle of liberty and equality, which viewed the republic as a form of government corresponding to this principle. This principle, which is limited to the political manifestations of equality and liberty, was indifferent to the distribution of property; it therefore had followers only in theory. The number of these followers was necessarily small and powerless against the prevailing law. If the republicans wanted to win they had to look for allies beyond the sphere of pure republicanism.

The July Revolution had seriously damaged the quickly advancing growth of industries. Many enterprises were destroyed, others were disrupted. Many laborers were, at least temporarily, unemployed—this in spite of the fact that the laborers in particular had participated decisively in the July Revolution. What was their reward for their struggle and their sacrifices? Did it result in giving them a politically significant role? An increase of their political liberty? No. Property qualifications, although reduced, were to them as prohibitive as before. The Chamber was not concerned with the lot of the laborers; they remained what they had been before, the rejected children of the nation.

But one thing had changed. Up to now during the Restoration they had had hope for an improvement of their conditions through a general change of circumstances. This change in circumstances had occurred, but their hopes were dashed; they had become so much the poorer for it.

The suffering laborers, . . . therefore, immediately turned against the status quo, just as they had done during the Restoration. But, isolated and unable to size up their own situation, they looked for leadership among the upper class. Here the republicans too stood alone. The community of interests was soon visualized, and by the end of 1830 the masses of the laboring class made common cause with the republicans. The opposition against the existing order contained now two different elements: the republicans represented the leadership and the intelligence; the workers represented the physical power. The masses were now united under the banner of republicanism.

On the surface, this republicanism was directed against the mon-

archy. However, the constitutional monarchy as established by the Revolution was essentially only the form of government through which industrial society ruled. The defense of monarchy meant the defense of the rule of capital in industrial society. With the defeat of republicanism . . . capital had gained a victory.

It was understandable that capital did not immediately identify its true antagonist. It assumed that it had to deal only with republicanism. It defended itself against republicanism and attacked it. The republicans, on the other hand, to hold their own, tied themselves closer to the working class, since they were the only reliable supporters they had. The laboring class, however, began to direct its demands for material improvement to the republicans. And while on the surface republic and monarchy seemed to be the sole antagonists, crucial changes took place internally which were to influence the future of France. For the first time since 1794 the problems of the labor movement and the republican system became fused; for the first time it became evident that something was happening in France which went way beyond mere republicanism. There was a vague awareness that the Republican Party contained two elements which, although united in their struggle against the outside world, were destined to fight for supremacy within their own ranks.

At first republicanism assumed that it would be able to exploit to its own advantage the demands of the laboring class without planning to meet them. The significance of this was not as yet understood. The republican leaders used the demands of the working class as a threat against the property-owning class; they blamed the Constitution for the misery of the laborers, and they promised everything to everybody in exchange for the establishment of a republican state government. But the power of the workers grew; every day they became more aware of their actual goals, and the republicans, almost without being aware of it, were slowly forced to transform themselves from representatives of republican principles into representatives of the workers and of their specific social interests. In order to retain the support of the workers, they had, already during the local disturbances in Paris in 1831, given them flags which carried the slogan: "*Du pain ou la mort.*" During the revolt of Lyon the flags carried for the first time the well-known inscription "*Vivre en travaillant ou mourir en combattant.*" When the defendants of the revolt of 1832 stood before the jury, Codefroy Cavaignac, the foremost speaker of the republicans, who had taken over their defense, went so far as to present republicanism as the general reflection of all those new institutions which were designed to change society rather than the state.

This speech (in part recorded by Louis Blanc Vol. III, Ch. 8) is a strange document. It illustrates how deeply Saint-Simonism had already penetrated. Cavaignac demanded the organization of science and the organization of labor; "With regard to work, we demand, that it should no longer be subordinated to the interests of the greedy or the idle. We demand that the worker be no longer exploited by the capitalists, that wages should not be the only compensation of the worker; and mainly that work more than anything else should be the title of the exercise of political rights, for the life of society is based on work and not on property." . . .

However, it could not escape some republicans that the alliance with the industrial working class had led them into a road whose end they could not envision. It was easy to formulate general phrases; it was quite difficult to decide on specific action; and it was altogether impossible to divert the thoughts of the workers from the direction into which they had decided to go. The leaders knew this perfectly well. At this point the relationship of the two elements had to be decided.

If it is true that social elements and social problems determine political conditions, the representatives of the latter have to subordinate themselves to those of the former. Once the social question had come into focus, republicanism, in order to remain the leader of the movement, had to subject its political to its social demands. Being the spokesman for a free constitution, it now had to become the champion of a free society. Neither the republican nor the democratic movement is able to evade this inevitable process. . . . As soon as the pure republicans perceived that their theories bore consequences which they were unable to control, they abandoned their theories. All distinguished members of the party withdrew; the middle class—in apprehension over its own condition, and in awareness of what would follow—also abandoned republicanism. Thus it happened that by 1834 republicanism was destroyed externally as well as internally. From that time on, democracy had to choose another champion. This was the great significance of the foregoing events. The attitude of the press reflected these important changes. A number of republican newspapers—especially the "*Populaire*," by Cabet—closed down; others—such as the "*National*"—became organs of the parliamentary opposition; liberal organs severed their loose ties with the republican cause. There was no longer a republican faction represented in the Chamber. Indeed, one was led to believe that industrial society was now completely in control.

But republicanism, so easily defeated and apparently completely destroyed, had left a heritage for which its most outstanding adherents

had abandoned it: this was the growing labor movement. It is here that the secret societies had had an immense influence, not only because of the principles they propagated, but because of their public activities. . . . The rank and file of laborers, artisans, non-owners of any kind had been until then without a rallying point. They had not been able to exchange and influence each other's opinions or to estimate their own total number. The emissaries of the *Société des Droits de l'Homme* contacted these groups of people, rallied them, pointed out to them what were their rights and thus aroused in them by their speeches, newspapers and pamphlets, the awareness that the proletarians were a unit in society, physically powerful, suffering, and yet a social entity with just claims. However, it was not only class consciousness which was thus awakened in the worker by republicanism. Constitutional monarchy was, after all, the legal form of government. If the republic was to overthrow this government, a principle had to be found which would establish that the existing law was in itself an injustice and that it was right to revolt against it. Thus republicanism was compelled to undermine the established law in the eyes of the proletariat. This was the second important effect of the secret societies. Wherever they penetrated they aroused hatred against the ruling authorities, contempt for the law and dissatisfaction with the prevailing conditions. This hatred and dissatisfaction coalesced with the growth of awareness of the specific conditions of the laboring class. The defeat of republicanism resulted in creating a spirit among the laboring class which shaped the proletariat into the present teeming and powerful social class which is capable of interpreting its own social conditions.

This is the origin of the proletariat in France. The antagonism in industrial society which is theoretically represented by labor and capital was now incorporated in a specific body. Society itself was split; two opposing elements confronted each other; the dominant social problem of the present social order, the relationship of capital and labor now determining the line of development for the individual, had crystallized into a specific social phenomenon and defined its basic interest spheres. What republicanism had only indicated and initiated had come to fruition after its downfall. It was the beginning of the great struggle within the new social order.

We know that this struggle had frequently been predicted and that it finally broke out in 1848. During the intermediate years the proletariat, under the influence of changing theories and movements, was becoming aware of the major factor which determined its fate: the question of private property. The common expression of the interpretation of this question and of the answer to this question for the proletariat is com-

munist. Therefore, with the defeat of republicanism, the history of communism begins as the history of the social consciousness of the proletariat.

The Two Principles of Communism Since 1835

At first glance, it seems that nothing is simpler to understand than the main principle of communism. It includes the abolition of private property and of the family and their replacement with institutions based on collective principles. But the abolition of property and of the family affects major spheres of human existence; their abolition would be contrary to human history, contrary to human hopes and actions. It would inevitably lead to a reconsideration of basic tenets of the existing order. Even the most radical thinker, in order to destroy everything on which life and the order of human society rests, has to have a firm faith in principles which would justify such a revolutionary change.

There are two conceivable principles on the basis of which property and the family may be rejected. Both are contained in communism, but each has been differently interpreted and has led to the construction of a different system.

The first principle is based on the conviction that the happiness of man is the will of God, and that the supreme confirmation of this will is embodied in Christianity. Whatever is in contradiction to the happiness of man in this world is against the will of God and the Christian creed. It is true that law can be enforced, but there is a power superior to justice, the power of love. If the very needs of human life demand the abandonment of laws, love commands such an abandonment. And if the existing order of society illustrates that the prevailing law—the law of private property and family law—does not safeguard happiness, not even the hope for happiness, love, which is the expression of man's divine nature, must replace law; love must demand in the name of God and religion the establishment of conditions favorable to the happiness of man even against the existing law. It is not difficult to find support for this interpretation in the documents of the Christian creed; it is even less difficult to arouse emotions by them. Thus the first peculiar type of communism develops; it is based on the principle of the Christian religion. Religious communism aims to abolish the right of property and the family in the name of the religion of love; it desires to replace these rights by the community of those equal before God and chosen for supreme happiness.

The second principle is of secular origin. What constitutes law? Is it power? Is it the fact that it exists? The answer is no. Man is meant to be

free and equal; inequality and dependence can never be derived from this concept of man. If inequality and dependence exist, they exist by way of external forces which can never be "right". What is it that fosters the greatest inequality and misfortune? Shall the laws of private property and the family determine what is right? If so, they both would be in direct contradiction to the destiny of man in this world. They may be facts established by power, but they can never be considered to be just. If our rights do not correspond to our potentials of development, our whole social existence becomes senseless; if they are in harmony, the laws of property and the family must be subordinate to the individual, whose life is meant to be free and happy; those who want to abolish the family and private property in order to allow man to fulfill the purpose of his existence are right. This is the second trend of thought in communism. The destruction of these two institutions is demanded in the name of man's worldly destiny. This is the basic tenet of materialistic communism.

These two major trends determine and guide the growth of communism in France; they are the keynote of the whole communist movement and only through them does communism become a consistent theory. One should not expect that it is possible to separate the two systematically and historically; they run parallel to each other and are correlated with each other; the systems which they create are mainly embodiments of viewpoints on the basis of which the inner development of the proletariat is interpreted. But they are the substance of the history of the proletariat since 1835. One is justified in saying that until 1843 communism had reflected the hidden processes which were undermining the order of industrial society since 1835.

THE REFORM MOVEMENT SINCE 1841

It is not the task of the social sciences or of history to criticize the various lines of thought among the adherents of communism; whether their ideas happen to be true or false is not, indeed, of any importance. But in their totality these ideas are a manifestation of the opposition of the dependent against the ruling class in industrial society; they symbolize the struggle of labor against capital, and it is through them that the proletariat has become aware of its social position, its conditions and its future. It is for this reason and not through its individual representatives that communism is a highly important historical movement. Communism is for the proletariat what

socialism had been for the intelligentsia, and it is from this fact that communism derived its vital power. The growing significance of communism compelled those who believed in democracy to reconsider communism again. Thus communism has given rise to the most recent social trend—the Reform Movement—which led to the threshold of the February Revolution.

General Character of the Reform Movement

While communism was penetrating deeper and deeper into the increasingly independent working class, transforming it into a proletariat in the proper sense of the word, a similar movement developed in a related field. It is true that the revolt in May 1839 and its direct consequences, as well as the repeated attempted assassinations, had brought about an alienation between the liberal bourgeoisie and the lower classes. But radical progressives within the upper classes felt the need to approach the lower class. At the same time, the persistent unrest of the latter had become a matter of concern even to the complacent. It became quite obvious that the conditions of the proletariat were the main cause of all public disturbances. Only complete despair and unrelenting hatred could explain the willingness of the masses to embrace the most desperate and nonsensical ventures and theories and to support the ever-emerging communist associations and small local papers with their popular appeal. . . . To be sure, at the moment, the bourgeoisie ruled alone; but another revolution was very well possible. Who would be victorious if the masses, which until now had fought side by side with the bourgeoisie, would turn against it? Without question, the proletariat had constituted itself as an independent social element; its interpretation of the social conditions acquired an increasingly more serious character.

It might be possible to suppress the symptoms by control of the press and the persecution of the communist societies by repressive legislation. But only the simple-minded could assume that the evil would be eliminated in this fashion. There was only one possible way of action left: the progressive party of the ruling class had to approach the proletarian movement, perhaps even to attempt to obtain control over it, lest the latter attack the existing social order.

This trend was met halfway by a development within the proletariat. The more reasonable among the workers who cared to inform themselves about general conditions had to realize that, however great the necessity for a basic change in society, an improvement was hardly—if at all—possible without the consent and the cooperation of capital and of the ruling class. However, such consent and cooperation were conceiv-

able only under one condition: the proletariat had to give up any attempt at a revolution by force and had to accept gradual changes in the existing order. This was a step toward reconciliation and agreement, and while communism proper, on the one hand, was developing into a power of growing importance, one could, on the other hand, observe a growing rapprochement of the two social classes. Beneficial results might have ensued and disastrous events might have been avoided if a new political movement had not appeared on the scene at this time. . . .

We have shown that, since 1835, pure republicanism in France had been utterly defeated. Republicanism no longer had any followers, neither in the population at large, nor in the Chamber, nor the press. Only after this happened was it possible for constitutionalism to grow undisturbed. A reasonable and sincere government could have secured the well-being of France for a long period to come. But Louis Philippe's unfortunate ambition, which aimed at establishing a so-called "personal government" and at reviving "pseudo-constitutionalism," proved to the bourgeoisie that its rule could be preserved only at the price of perpetual vigilance and of constant struggle with that government. This struggle, which continued for years, gave rise to a great bitterness toward the government which was in contradiction to the social order. It thus paved the way for a revolution more effectively than did any secret society and theory. Nevertheless, the bourgeoisie remained opposed to any revolution. A revolution would have meant, in the first place, an attack on constitutionalism, which represented the well-established form of government, and, secondly, an instigation of the lower class, which was basically antagonistic to the bourgeoisie. Thus there was only one way open for the opposition to take, . . . namely, an electoral reform. The opposition of the bourgeoisie against pseudo-constitutionalism had now thrown its support to the movement of electoral reform. . . .

Internal as well as external reasons prohibited the opposition to treat the masses, which it needed to support the movement, as a mere tool. The opposition within the bourgeoisie had to take into consideration the ideas and demands of the proletariat. In order to gain the support of the proletariat, the opposition had to promise in turn to support the demands of the proletariat; in brief, it had to offer the proletariat political rights. . . . This had a twofold consequence of major importance for the history of French society. First, the extreme opposition was now compelled to join forces with the social movement. From this point on, the social movement ceased to be merely a proletarian movement. . . . Secondly, the exclusively social ideas of the proletariat were

merged with the elements of contemporary political interest. Instead of presenting a political utopia, as they had done up to this time, they now tended to suggest practical political goals. . . . The members of the proletariat began to consider the right to participate in political decisions as a right due them before reaching a level of education and a standard of living which would entitle them to such privileges. . . . Instead of gaining political rights on the basis of social development, they claimed them in the name of an abstract concept of liberty and equality, and they did so in order to raise their living standard so as to make them roughly equal to the ruling class. Such were the general and not yet clearly defined origins of social democracy. . . . There was only one way to avoid the danger and the difficulties that social democracy presented. The bourgeoisie should have used its constitutional power to foster the interests of the lower class as much as its own; instead it had used this power exclusively to favor its own interests. This fact formed—as a logical counter-movement—the basis for social democracy. . . .

Thus a twofold development took place in France after 1840. Due to the nature of social conditions, this development gave the impression of constituting a single movement. On the one hand there was the political reform movement whose most radical wing favored the ideas of social democracy which provided the transition to the events of 1848 and 1849; on the other hand was the social reform movement which, based on a scientific approach and deriving its support from the proletariat, touched in its extreme upon communism. Both wanted to preserve the existing order, and both were striving for a change of conditions within that order. Communism as well as social democracy, however, aimed at something altogether new—they wanted to establish an entirely new order. Both the political and the social reform movement, were, in fact and in principle, transitory phenomena. . . . They did not offer to introduce a new system but only plans and suggestions for specific changes; they prepared but did not create a new order. They left socialism and communism undisturbed to pursue their own goals. Neither did they condemn the existing constitution. To interpret the reform movement as a third period in the social development of France does not mean that the movements of republicanism, socialism and communism have ceased; they continue as manifestations of the great political and social trends in the nation's life and in society; they have entered a new phase, because they now appear in a new form side by side with the old ones, both preparing and instigating in their own fashion the powerful events of the subsequent years. . . .

The Social Reformers

No matter how strong a stand public opinion had taken against any movement of the proletariat, no matter how devastatingly all communist and socialist theories had been ridiculed or condemned or simply ignored, one could not, after all, possibly misinterpret the deeper significance of these views. . . . The more scientific attitude of socialism compelled the adherents of this movement to consult in turn their own science as to the causes of the social evils and the possible remedies. The daily contact with disturbances made it impossible for them to deceive themselves about the nature of the events. Thus, there developed, mainly after the defeat of republicanism, a trend in the social sciences which we shall call the social trend. It originated in France toward the end of the 18th century and has continued to grow ever since. . . . We wish to call attention to those who had prepared the ground for a closer relationship between the social movement and the strictly scientific approach to social problems.

. . . 1841, Louis Reybaud published a book under the well-known title: *Etudes sur les réformateurs contemporains*. This publication created a sensation. . . . It was the first work in which the socialistic schools of thought of Saint-Simon and of Fourier were both interpreted as a symptom of a deep contradiction within society and as an attempt to find a solution to a vital but not yet clearly conceived problem of the nation. One may well claim that this book, contrary to the intention of its author, raised socialism from its merely utopian stage to a real force in public affairs. The book attracted attention mainly because for the first time it criticized the utopian systems scientifically and systematically. Reybaud, therefore, was the first to call attention to the existence of a profound social movement. . . . Through his clear and intelligent analysis he brought the thoughts of the socialists within the reach of a wider public. . . . Reybaud is the leading French scholar concerned with the historical presentation of the socialist theory and the socialist movement. While he summed up the facts of the intellectual life, a number of other authors concentrated on the analysis of actual social conditions. The most important among them is, no doubt, Villermé with his book: *Tableau de l'état physique et moral des ouvriers employés dans les manufactures de coton, de laine, et de soie*, in which he, for the first time, offered the first detailed description of the intolerable living conditions of the working class. It was the first study which analyzed the misery of the lower classes in terms of statistics, and which, at the same time pointed with gravity and sympathy to the dangers which were bound to arise from these

conditions for the whole of society. . . . Villermé's work was all the more influential because it did not discuss communist and socialist projects but simply documented, through specific facts, the general and growing deprivation of the proletariat. . . . At the same time, two other authors, Blanqui and Villeneuve-Bargemont, . . . came, even though starting out from different premises, to the same conclusion that in the contemporary industrial system the position of the laborer—a slave of his basic needs—was hopeless and desperate, and that any germ of liberty was inevitably killed through the laborer's dependence on the factory owner. These authors, too, demanded improvements and anticipated grave results for the future unless state and society took the misery and the needs of this class to heart. . . .

All these publications had one thing in common. They showed the sufferings of the working class, the significance of this class, and the danger it presented, but they had neither a plan nor a theory which would offer a solution to these problems. It is their merit to have called to the attention of thoughtful people the growing contradiction inherent in industrial society. . . . While they looked from the outside into the intricacies of these conditions in order to impress upon the prevailing powers the need for reform, important spokesmen of the proletariat, at the same time, though living under conditions almost past endurance, suggested a sensible reform to alleviate the conditions of the working class in order to forestall the approaching conflict. The laborers of France's big cities were almost constantly in touch with the usually highly educated republicans and democrats. They frequently participated in the meeting of secret societies, became acquainted with the vast literature on public issues, and consequently became accustomed to thinking independently and to participating in discussions. It is not surprising, therefore, that the working class produced a number of authors whose main interest was, of course, to discuss their own living conditions. The two main representatives of this group in the beginning of the reform period were Charles Noiret with his *Lettres aux ouvriers*, published in 1840 and 1841, and Adolph Boyer with his pamphlet *De l'état des ouvriers et de son amélioration par l'organisation du travail* (1841). While Noiret emphasized primarily his strong opposition to the prevailing exploitation of the workers and the masses through the wealthy and the educated, Boyer shows a deeper insight into the situation of the laboring class. He shows the isolated position of the worker when confronting the factory owner; how the employment books (*livrets*), the competition, the factory courts, the employment offices, the rates of pay, are all aimed at controlling the worker; how even institutions such as hospitals, savings banks,

and others are of no real value; and how the beginnings of self-help projects through the workers' associations are partially hampered by the law and partially corrupt. He tries to call attention to the practical conditions, advocating improved rates of pay, fair factory courts, and associations among workers, so that work, instead of being a curse, could become a pleasure. His work program suggests a reform of existing conditions. The little brochure is one of the best published in this field at that time. . . . Richer in ideas but much less practical and closer to the socialist school of thought was Flora Tristan, who published several works which are all, more or less, concerned with improvement of the conditions of the working class. . . . Her specific plan is described in the *Union ouvrière* (3rd edition, 1845). She advocates the organization of the working class into a comprehensive union which would choose its own representative (*défenseur*), who would defend the interests of the working class and be paid by the union. . . . Through this union the working class would gain the "right to own property acquired through work," the "universal right to work" and the right to "moral, intellectual and professional instruction". . . . The major goal of this working men's organization should be the building of a labor union palace ("*Palais de l'union ouvrière*") which shall be erected in each *département* by voluntary contributions. The concept of these workers palaces is definitely taken from Fourier's *Phalanstère*; old people, the ill and feeble, and those injured while working are to be admitted there; at the same time, it is to provide a shelter for working men's children, who are to be taught various practical skills. Flora Tristan gave special attention . . . to working class women, whose condition she considered to be the cause for much of the misfortune and on whose help she counted in the program of self-help. She was the only person who had the courage to confess to the workers that "ordinary women are in general brutal, wicked and sometimes heartless" and who stated with concern that "one has to admit that there are very few workers' households where happiness prevails." . . . But she also knew that this maliciousness and crudeness is not in the nature of these women but is a consequence of the sad conditions and the daily struggle with poverty. . . . Here she touched upon a central problem of the condition of a whole class of society. Her style is clear and lucid, although she lacked any knowledge of economics; but she showed an awareness, more than any of the other like-minded authors, that the working class is an entity and that in order to improve conditions it must recognize itself as such and strive to achieve a solidarity which would help it to move towards a common goal.

One other publication has affected the class-consciousness and the

growth of ideas in the working class more than all these separate pamphlets. This was the newspaper *L'Atelier* (*Journal des intérêts moraux et matériels des ouvriers*) whose motto was: "Whoever does not want to work, should not be allowed to eat." The *Atelier* began publication in 1840. Since 1840 it attempted to lead all reform movements and first offered cooperation to political reformers for common action toward the improvement of the living conditions of the lower classes. Its principle was that "one has to be a worker in order to understand the conditions of labor." . . . The aims of the newspaper are summed up as follows: "The sponsoring committee acknowledges the fact that future improvements have to be based on the moral principle reflected by the motto of our forefathers: 'liberty, equality, fraternity, unity' from which springs the political principle of popular sovereignty and the industrial principle of social solidarity (*Gesellschaftung*). Our newspaper will support electoral reform as the only way to establish a popular government, and industrial collectivism as the only means for a fair distribution of the products of labor. It is a peaceful crusade which we open against political and industrial privileges." However, the *Atelier* states that it is definitely opposed to communism, it favors a legal and gradual reform. . . . For "equality is distinctly not absolute." "There are always some inferior people"; equality is realized if "all roads are open to everybody so that each one attains the position corresponding to his contribution to society." To achieve this, the laborers must unite so as to enforce the electoral reform and on the basis of the new system of representation initiate industrial reform. Thus the outlines of approaching events were already discernible on the horizon of time, but only a few observed them and evaluated them correctly. There is also an appeal to the worker that devotion be the basis of morals and unity. Thus the *Atelier* turned seriously against communism and even attempted to make converts in favor of reform; it thereby exposed itself to bitter attacks from the communists, particularly from Cabet. . . .

Alongside these, other movements developed among the proletariat which, starting out from a similar basis, did not identify themselves entirely with any of the others. . . . Of importance particularly is one manifesto which undoubtedly came from a reform party; it was published on March 3, 1842 and shows that the authors are familiar with and appreciate the various activities of the proletariat. . . . But none of these attempts satisfies them; some want too much, some not enough; but they themselves, just like those whose vagueness they criticize, do not come to any specific conclusions. They too start out with the principle of equality, the eternally recurring concept; they want "to preach the exercise of

fraternity to the citizens as the first task," to further "ethics as the only source of happiness" and "rationalism, which is the belief based on empirical evidence and reason." From there they come to the conclusion that "inequality of conditions, whatever its form, is a constant source of misfortune and degradation which cannot be alleviated by equal political rights alone," that "the realization of the doctrine of equality is based on the community of work," as well as "on equal rights in the use of common production distributed by a prudent and circumspect organization, on the community of education and the modification of the family in order to undermine the caste-spirit, though, of course, without promiscuity and without disregard of paternity."

We do not put too much emphasis on these sporadic publications stating general and rather vague principles which are neither new nor fully developed. But these publications demonstrate that there were trends in the large and rather diffused circle of reformers not unlike those in the socialist movement; they were associations and alliances designed for information and discussion rather than action. And no matter what was their original purpose, they all contributed to making the working class aware of its conditions and goals and to shaping it . . . into a compact, class-conscious, active proletariat.

These are the diverse views expressed during the epoch which we call that of the social reform movement. At the extreme, almost verging on communism are authors like Villegardelle, . . . Cherbuliez, Celliez and others who are of no specific importance except that their work reflects the social contradictions. Among them we find "*Esclavage du Riche*" by A. Hubert, 1845, a member of the radical group, distinguished by precision and clarity but representing essentially only a negative view of the rule of capital. He interprets freedom simply as the reversal of the present power constellation, namely, the rule of labor over capital, without presenting a specific plan for this turnover. These authors represent the transition from reform movements to the doctrinaire form of materialistic communism, while the magazine *Atelier* represents the transition to the political opposition.

All these views existed side by side without being integrated into one theory, such as those of the communist and socialist schools of thought. At a first glance at their content, one recognizes that they do not lend themselves to being coordinated. They do not grow out of a common principle nor out of a common approach; they are concerned with different sectors of society and with the different functions and interests of these sectors. On the surface, they are, therefore, definitely less important than socialism and communism. But their influence upon the inner life

of the proletariat is all the greater because they are versatile, influencing different people in different ways, yet clearly showing the deep contradiction in the heart of society, the great cleavage of the two elements of industrialism and the antagonism between them. Their true significance lies in their explanation of the grave problems of our present society. However, they lacked a central focus, which developed only after the new point of view severed itself from pure republicanism, constituted itself independently, and turned its interests toward the social order. With its appearance begins the last phase of the period immediately preceding the February Revolution. . . .

The Political Reform Movement and the Beginning of Social Democracy.

. . . Already during 1841, Ledru-Rollin approached his constituency . . . with an electoral speech which went far beyond the limits of a mere parliamentary opposition. The principle on which he based his program was new for that time. He dared to state that political questions were no longer an end in themselves for a given political movement but only the road to social improvement for the betterment of the lower classes. . . .

Indeed, this speech was a great event. For it was the first time that a man who was a candidate for the Chamber, which was controlled by capital, frankly admitted to the voters, who were, as a consequence of the election law, anything but proletarians, that he considered it the true mission of the representatives . . . to use their power in favor of the interests of the laborers. It was the first time that the opposition was expected to go beyond the sphere of mere politics and vote for or against the social interpretation of the idea of the state. It was an audacious step, and a profound change of public opinion had to precede it in order that such a step could be taken with some hope for success. His specific suggestions were of no importance; the decisive point was that he had put the question of social contrasts into the foreground and asked for his mandate in the name of this social antagonism.

He was elected. . . . With Ledru-Rollin the social question became an issue in the Chamber. He was, of course, not only alone but completely isolated in the Chamber; he had no followers and no opportunity to act, and yet his reckless performance was of the utmost significance. From now on it became possible to raise the social question in the Chamber of Deputies. . . . There was now a political party representing it. The lower class was represented side by side with the upper class, and the difference henceforth was merely one of degree. This development signalled a

tremendous gain for the lower class; it aroused great hopes and gave it new energy and new impetus, and in a way it changed the features of the whole movement.

Until then the complete hopelessness with regard to political equality had forced those who were concerned with social conditions into abstract speculations. The successes of the different systems and theories of socialism and communism originated partly from the fact that they alone expressed ideas concerning the contradiction of society. But now the adherents of socialism and communism began to identify themselves with a political party. A large number now disregarded the abstract speculations and turned again toward politics. Although what was demanded was predominantly a political reform, the main reason for this demand was the hope for a subsequent social reform. . . . The politico-social reform movement quickly won over all those who, without having had a clear concept of another social system, had felt that the future would be dominated by social issues and recognized that these issues should not be left to the decision of the brutal force of the masses but should be taken care of by the state.

At the same time, the system of "personal government," as pseudo-constitutionalism was called, grew step by step. The Chamber of Deputies became more and more corrupt, and informed people began to doubt that such a government could survive for long. This despair over existing condition, although first directed against the government, was bound finally to turn against society, whose principle had made such obvious corruption in public affairs possible. The exclusive rule of moneyed power and material interests led the people and the state day by day closer to the brink of ruin. This had to be stopped. There was only one way to do this. It was necessary to change the law which had guaranteed exclusive power over the state to capital and its interests. This law was the election law. The electoral reform was an inevitable consequence of the rigid and corrupt management of public affairs; however, it was simultaneously directed toward a reorganization of the social rule of capital and thus toward a transformation of industrial society itself—a fact which at first was not recognized but which became clear in 1848. . . . The electoral reform was not exclusively a political problem; it was rather an incarnation of the problem of the social order; it confronted the state with the contemporary social issue which now developed its full impact.

. . . Clearly, there were enough groups which could form a strong party—side by side with the conservatives and the abstract liberals—committed to political equality as a means of changing social conditions.

This party was the intermittent link between communists and socialists on the one hand and the republicans on the other; it became the center of the social reform movement; it united all those who accepted the necessary premises of a basic external and internal reorganization of the state and society. Celliez has expressed this very well in saying: "Socialists as well as revolutionaries have understood that the social revolution cannot be enacted without a political revolution nor can the political revolution take place without social revolution." This in fact was the basic tenet of the new party, and it was precisely the undetermined generality of this principle which made possible the great variety among its members.

At this time a new phenomenon gained attention in France—the concept of democracy. Although the terms had existed before, it had never had a specific meaning. Democracy is essentially different from republicanism; . . . republicanism stands for the principle of equality, which is, however, not contradictory to actual inequality. Republicanism aims at safeguarding by law the right for everybody to attain the highest position in society as well as in the state; but that is all; whether and to what extent the individual is successful is of no concern to it. Republicanism accepts society with all its social differences as it develops through its own forces under the rule of legal equality; republicanism does not expect the state to go beyond the realization of abstract equality, the abolition of privileges, and the provision of equal chances for the acquisition of property. For democracy, however, the political rights are not the end but the means and the symbol of its principles. Democracy aims to achieve equality by political means; universal suffrage and equal representation are considered to be the proper means by which the state will eliminate all practical inequality. Since inequality affects the lower class, the essential feature of democracy is the use of popular authority in order to raise the status of the lower class. With democracy the republican idea of legal equality is transformed into the idea of social equality. Wherever the democratic movements develops, the social issue becomes the main content of all political controversy. Once this development has taken place, a return to abstract, pure republicanism is practically impossible. Therefore, wherever democratic ideology develops in an industrial society it will be the corresponding political manifestation of the antagonism of the working class toward capital; through democracy the very nature of that society, originally envisioned by socialism and communism, reveals itself. It is therefore natural that these latter movements recede into the background as soon as democracy asserts itself. This is what happened in France during the period under discussion, and the closer the situation came to a showdown the more the democratic

ideology gained over the socialist and communist movement.

The organ of the thus developed democracy was the *Réforme*, which was founded in 1843. This magazine took the position that though inequality of ability and of occupations are the basis of society, superior talents account for greater obligations to society but not greater privileges. This is the basic principle of practical equality which can be established by collectivization. In order to accomplish this, workers' associations should be organized so that wage earners can become free laborers. It is the task of the state to do that. As long as the old electoral law exists, the government will not accomplish this task. What is most needed, therefore, is an electoral reform to lay the foundation for a new social order.

Next to Ledru-Rollin, the main correspondents for the *Réforme* were Codefroy Cavaignac, who had been an active socialist and Dupoty, former owner of the *Journal du Peuple*, which had been predominantly republican; Louis Blanc was another correspondent, and Georges Sand contributed feature stories. The well edited newspaper received the greatest attention. It avoided supporting specific social theories but strongly favored the interest of the workers, initiated workers' petitions, discussions and alliances. It would have outstripped the *National* except for the fact that the policy of Louis Philippe and Guizot called public attention again to the throne and provided new support for republicanism among the upper classes, which made good the losses of republicanism among the lower class.

Ever since the appearance of the *Réforme* and the idea of democracy, concern over social issues was voiced also in other papers. Perhaps it is of interest to restate the program of the *Réforme*, a program now completely forgotten. . . . Regarding the social issues it states: "While on the one hand political freedom is slowly destroyed, on the other hand the social question grows in importance and affects the government, the state and society. Our principles according to which we are going to take a stand regarding these problems are: All men are brothers. Where there is no equality, liberty is a farce. It is true that society requires differentiation of ability, but superior abilities are no basis for privileges; they only impose greater obligations. Such is the principle of equality; its appropriate form is the Association, the purpose of which is to satisfy the intellectual, moral and material needs of all through the exercise of different faculties and through cooperation.

"The laborers have been slaves, they have been serfs, they are now wage earners; one should attempt to raise them to the status of Associates. This can only be accomplished through the efforts of a demo-

cratic government. The principles of democratic governments are popular sovereignty and universal suffrage, the task of democratic governments is the realization of liberty, equality and fraternity.

"In a properly constructed democracy those who rule are the authorized agents of the people, they must be held responsible and they are subject to dismissal. Public functions are not distinctions, and should not constitute privileges; they are obligations. Since all citizens have equal rights to participate in the nomination of representatives and in law making, public functions should be paid for, since otherwise equality becomes illusory. . . .

"Freedom of the press has to be upheld and sanctioned as a guarantee against possible errors of the majority and as a necessary tool for intellectual progress.

"Education ought to be equal for all citizens, it ought to be public and free, the state should be responsible for it. Every citizen has to undergo military training. Nobody is allowed to buy himself an exemption from the duty to defend the nation.

"The state should take the initiative in starting industrial reform which would lead to an organization of work by which the laborer would be raised to the status of Associates. The laborer has the same claim to protection by the state as does the soldier. To the strong and healthy citizens the state owes work, to the old and feeble citizen it owes assistance and protection." . . .

With this program the social issues had found expression as well as acceptance. A vast unexplored field of action had thereby been opened. A steadily growing interest in the conditions of the working class testified to its growing power. It would be wrong to expect that definite social systems were advocated, but wherever formerly one was used to dealing with only a simple opposition within the Cabinet, one now found a no less determined opposition against the rule of capital and a steady reference to the labor problem. . . .

This is, briefly, the history of French society since the July Revolution; the most important part of which, the history of the proletariat and of its growing class-consciousness, was until now buried under the development of political affairs. . . . Of greatest historical value is the general fact . . . that the acquisitive society has necessarily to develop into an industrial society under the rule of capital and the political and social control of the workers who, though free, have no capital; it is this contradiction which transforms the class of laborers into the proletariat, and a social revolution will necessarily ensue unless the capital-owning class seriously supports social reform. . . .



Part Three

The Monarchy, the Republic and
the Sovereignty of French Society
since the February Revolution, 1848

NOTES ON THE TRANSLATION

Stein's original "History of the Social Movement in France 1789-1850" consists of three volumes of about 500 pages each. For the translation, a smaller, one volume edition, divided into three corresponding parts, seemed desirable and appropriate. Some chapters have been omitted in their entirety and in the translated parts Stein's presentation has been condensed. This type of surgery has, I hope, contributed to greater clarity and put his main ideas into focus. The controlling purpose of the editorial process was to preserve the sequence and consistency of Stein's historical analysis.

The full outline, reprinted in the Appendix, will give the reader an impression of the scope of the original three volumes. The major sections omitted in the translation are: One subsection each of "The Rule of the Third Estate" (Vol. I pp. 220-234) and of "The Democratic-Communitistic Period" (Vol. I pp. 340-350); the chapters "Saint-Simon and the Saint-Simonists," "Fourier and the Fourierists," "Babouvism" and "Religious Communism" (Vol. II pp. 133-343, 382-465); the Appendices to Vol. II (pp. 497-564); the larger part of "The Nature of the Monarchy," several subsections of "The Theory of the Republic," and the analysis of Proudhon's system (Vol. III pp. 1-36, 103-108, 123-134, 147-168, 343-381). These materials amount to about one third of the original total.

Some of Stein's basic concepts have no standard equivalent term in English. They had to be translated more or less literally with the original German term given in parentheses. The following explanation may be helpful in providing the reader with the exact meaning of Stein's concepts which are closely tied to his social philosophy.

Stein envisages history as a process toward freedom. Self-realization of the individual, "a full and harmonious personal development" is the goal or the *Bestimmung* of the individual; to preserve the idealistic meaning, *Bestimmung* has been translated by "aspiration," "fulfillment" and occasionally by "destiny."

While "individual" (*Individuum*) refers to the single human being without reference to differentiation, "personality" (*Persönlichkeit*) refers to the individual with his personal capabilities and accomplishments. Contemporary connotations of personality ought not to blur this meaning. Personality is occasionally also applied to the state as a living entity.

The "state" is conceived of as the personification of the community of men. The supreme position of the state in Stein's analysis does not reflect a glorification of the state as against the interests of the individual, but rather stresses the fact that the individual by himself is altogether powerless to reach his goal prescribed by the process of historical development. Stein interprets this "unity of men" as a living entity, for which he frequently uses the term "person" or "personality." However, this does not imply the inevitable subjugation of the individual interests to an external authority, nor does it have any of the political implications of later representatives of the organic theory

of the state. The state, as the representative of the human community, has the function of assisting the individual. Stein considers political institutions not only capable of initiating social reforms, but indispensable for breaking the domination of society over the state, i.e. the rule of the dominant social class over the dependent class. The state, therefore, is the monitor of freedom.

Freiheit and *Unfreiheit*, freedom and the lack of freedom, both occupy a significant position in Stein's analysis, connoting predominantly personal independence or social dependence. Since there is no corresponding term in English for *Unfreiheit*, I have translated it by "social dependence" and have only occasionally used the term "freedom" or "liberty" as a counterpart to "personal independence."

The process toward social independence manifests itself in the 19th century as *die soziale Bewegung*. Here I have retained the literal translation "the social movement," which in the English language has generally a more diversified meaning. In German it is exclusively applied to the labor movement in industrial society. "Social movement" conveys better than any substitute term the meaning of the major concept of Stein's book. It refers to the antagonism and the struggle between the social classes, to the growing self-awareness of the proletariat and its attempts to assert its position and its rights in society and in the state. "Social movement" is a reflection of what Stein usually refers to as "*die soziale Frage*," i.e. the Social Question. Stein himself defines it as the problem of "how labor without owning capital can gain economic independence through the acquisition of capital" (*Verwaltungsrecht* 1870, p. 439). This definition corresponds to Stein's own suggestion as to the solution of the dependence and social deprivation to which the laboring class was subjected during the period of early industrialism. The reforms suggested by Stein soon became outdated due to the growing predominance of big business. Generally speaking, "the social question" refers to the exploitation of labor and the various socio-political, ideological and practical attempts promoting the welfare of the working class in industrial society. Stein's original contribution consists in conceiving the social question and the social movement as the result of an inherent contradiction in the acquisitive society. Stein uses *Bewegung* also in a more general context, such as *Bewegung der Freiheit* or *Bewegungsgesetz*, in which cases *Bewegung* has been rendered by "dynamics" or "progress."

The term "contradiction" (*Widerspruch*) plays a central role in Stein's philosophy of history. It is used in the Hegelian-Marxian sense and refers to a historical situation encompassing an antagonism which necessarily leads to conflict and change. Although the literal English equivalent of *Widerspruch*, "contradiction," indicates a relation between propositions rather than social facts, it has been retained in this translation in accordance with the terminology of Marxian literature.

Stein's concept of "*Gesellschaftliches Recht*" makes it necessary to introduce the term "social right." This concept has a central position in Stein's history of philosophy, as well as in his theory of administration. *Gesellschaftliche Rechte* or sometimes also *Gesellschaftsrecht* refers to the fact that the dominating class aims at and succeeds in controlling the state and public administration by legalizing social privileges; it thus strengthens

and perpetuates the dominant position of the ruling class in any social order. Stein considers law and the codification of law to be conditioned by the order of society. (See also *Verwaltungsrecht*. 1870, p. 396ff.) Social privileges, to the extent that they become legally guaranteed, as for instance the institution of entails, restrictions of civil liberties by specific voting requirements, restrictions of economic opportunities by rules and regulations of the guilds, are *Gesellschaftliche Rechte* or "social rights." They are the first step toward an estate society and towards the establishment of estate rights. But even the relatively open acquisitive society is not free from this kind of privileges which may be enforced by social taboos if the state resists their legalization. The most striking illustration of social rights, partly in contradiction to the law (federal), partly bolstered by law (state), is the political and economic disfranchisements of the Negro population in the United States; although here the antagonism between the dominant and the subjugated social group is based on racial rather than class differences, it offers a good example for Stein's concept of social right.

Stein defines *Bildung* as "the state of intellectual development of the individual, the sum total of mental capacities" (*Verwaltungsrecht*. 1870, p. 107). The term *Bildung* in German has, however, strong connotations of a superior social status. Stein uses the term in this specific sense. He considers *Bildung* as the intellectual equivalent of capital ownership. He frequently speaks of the "possession of intellectual goods" (*Besitz geistiger Güter*) and attributes an important role to the acquisition of *Bildung* in the movement toward social independence or liberty. For lack of any other alternative, *Bildung* had to be translated by the somewhat colorless term "education," sometimes by "formal education and culture." The more specific meaning of education in Stein's analysis will become clear within the context of his arguments.

Recht auf Arbeit ("right to work") has a completely different meaning than the "right to work" in the history of the American labor union movement where it refers to the freedom of the individual worker to accept a job regardless of union regulations. In the 19th century social history of Europe, the term has been used in the sense of having a claim to employment as a natural right of the worker toward society, since employment is the result of social conditions he is unable to control. This "right to work" was one of the central demands of the laboring class in the socialist movement and reflects its basic antagonism against competitive society.

At the end of his book, Stein emphasized the historical importance of collaboration between those who stand for political democracy (the democratic party) and those who consider social reform the most important issue in the political struggle (the social party). Although the latter originated in the early impulses toward socialism and had strong socialistic connotations, I have retained the literal translation of *Soziale Partei* since a political party with a specific program to develop socialism within the framework of parliamentarism had not yet evolved at that time.

K.M.

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Index

- Academy of Dijon, 107
 Acquisitive Society, 180, 210-222, 234, 239, 244
 and French Revolution, 19
 contradictions in, 83-88, 92, 215, 218, 244
 and property qualifications, 123
 and property rights, 212
 and Napoleon, 213f
 and the constitution, 216-222, 228
 and the state, 219, 249
 See also: Civil Society, Industrial Society
 Adler, Georg, 26
 Adler, Max, 17, 29
 Administration, state,
 Stein's theory of, 7-8, 12
 for Japan, 9
 and role of state, 15, 23, 38, 53, 57, 361, 375, 391-392
 and ruling class, 53-61
 under social democracy, 87-88
 of Napoleon, 193-198
 and role of society, 319
 accountability and, 353-354, 357
 and dependent class, 366
 relationship to Constitution, 420-423
 Agriculture,
 and communism, 169
 problem of, and French Revolution, 175
 industrial farming, 352
 and Government Commission for the Workers, 397
 and election of Louis Napoleon, 426-427
 Albert,
 and Provisional Government, 373, 377-379, 392-396, 404
Ami du peuple, 148
 Amiens, treaty of, 202, 203
 Arago, Dominique Francois, 409
 Aristocracy, 63
 under feudal society, 97-103, 108, 112
 and ownership of land, 119-120
 abolition of privileges, 137
 and Napoleon, 207-209
 Aristotle, 15, 108, 271
 Army,
 relationship to state, 127-128, 194, 214
 under Napoleon, 184-187, 223
 under Louis Philippe, 294
 and Revolution of 1948, 344
 Assignats, 180, 182
 Association of workers, 314-315, 396-397
l'Atelier, 309, 310, 406
Ateliers Nationaux,
 see National Workshop
 Augereau, Pierre Franz, 187
Augsburger Allgemeine Zeitung, 3
 Austria,
 Stein's opinions on, 5-6
 and Louis XVI, 135
 and Napoleon, 190, 191, 204, 205
 monarchy in, 321
 Babeuf, Gracchus, 159, 183, 410
 activities of, 161-162, 172-173, 177
 program of, 167-171
 Barbès, Sigmund Auguste-Armand,
 378-379, 410, 418
 Barnaves, Antoine Pierre, 142
 Barras, Paul F. N., 172, 183
 Barrot, Odilon, 293, 343
 Barthe, Mariel, 423
 Barthélemy, Francois, 188
 Bastille, 117, 126-128
 Bazard, Amand, 288
 Belgium, 255
 Bensen, Heinrich W., 32
 Berlin, University of, 3
 Bicameral system, 226
 Blanc, Louis, 210, 288, 294, 299, 314, 418
 influence on Stein, 4, 26-27
 and Provisional Government, 372, 377-379, 392-395, 403-404
 and National Workshops, 382-383
 and state socialism, 388-392
 and Conferences of the Luxembourg, 395-397, 403
 and proletariat, 400-402
 and National Assembly, 1848, 407-414
 and right to work, 422
 and reactionaries, 425
 Blanqui, Louis Auguste, 307
 and Republic of 1848, 378-379, 401, 404, 410, 418
 Blaschke, Ernst, 10
 Bourgeois Monarchy, 18
 see also Louis Philippe
 Bourgeoisie, 18
 and monarchy, 21-22, 133-134, 321-322
 vs. socialist movements, 32, 39
 under Louis Philippe, 33, 138, 323-324, 342-345
 and constitutionalism, 133
 and capital, 167
 and proletariat, 303-304

- and democratic party, 402
 and National Guard, 408
 on National Workshops, 413
 victory of, 416
 Boyer, Adolph, 307
 Brissot de Warville, J. P., 157
 Bruck, Freiherr, von, 5
 Brumaire, 18th Anno VII, 193-196, 199
 Buchez, Philippe Benjamin Joseph, 288
 Buonarroti, Filippo, 161, 163-165, 172, 186
 Cabet Étienne, 4, 299, 309, 359, 418
 Calonne, Chas. A. de, 112
 Capital,
 relationship to labor, 19-20, 22, 80-82, 85-86, 88, 91, 126, 270, 291, 297, 300, 302, 310, 327-328, 351, 362-367, 370
 as ruling power, 21, 270, 322, 326-327
 accumulation by proletariat, 24-25, 34, 38, 74, 91-92, 258-261, 272-273, 284, 363-364
 definition of, 100
 in acquisitive society, 212-213, 221, 227
 in industrial society, 245-251, 255-256, 271, 364
 and socialism, 279
 struggle over Constitution of 1848, 416-423
 Capitalism,
 Stein on, 12, 38-39
 and state administration, 15
 Marx on, 28-29
 and need for social reform, 34
 Capitalists,
 relation to proletariat, 269, 275, 411
 rule of, under Louis Philippe, 289-290, 329-330
 see also Entrepreneur, Owners, Ruling Class
 Carbonari,
 232, 288, 294, 407
 Carnet, Lazare-Nicolas, Comte de, 188
 Carnot, Hippolyte, 413, 414
 Carreaux, 396
 Caste, 62-66, 132
 Catholic Church, 83-84, 98, 417
 See also, Church, Clergy
 Caussidière, Louis, 405, 407, 411, 425
 Cavaignac, Godefroy, 298, 299, 314
 and class struggle for control of state, 416-419
 vs. Louis Napoleon, 426-427
 Celliez, Henri Jules Pierre, 310, 313
 Censorship, 165-166, 296, 332-333
 Chamber of Deputies,
 property qualifications for, 226-227, 251-252, 289-290
 and civil society, 229
 and republicanism, 292-293, 296
 and social question, 311-312
 and Louis Philippe, 323, 326, 335-340, 345
 and laws of September, 1835, 333
 and electoral reform, 334
 elections to, of 1848, 406
 and right to work, 422-423
 Chamber of Peers, 226, 227, 252
 Champ de Mars, 401, 403-404
 Charlemagne, 97
 Charles I, 103, 341
 Charles X, 232-235
Charte constitutionnelle
 See Charter of 1814
 Charter of 1814,
 importance of, 224-225, 228
 bicameral system of, 226
 property qualifications of, 227
 and Louis XVIII, 231
 and Charles X, 232-233
 and constitutionalism, 251, 255
 and Louis Philippe, 289, 326, 344
 Charter of 1830, 228
 Church, 35, 98, 104, 136
 See also Clergy
 Cherbuliez, Charles Elisée, 310
 Christianity, 301
 see also Church, Clergy
 Citizenship
 qualifications for, 124, 227
 rights of, 126, 144, 221, 234
 under Constitution of 1795, 178
 under Restoration, 216
 Civil liberty, 52, 158, 188, 231
 Civil Society, 11, 16, 36
 and equality, 124, 202, 230, 239
 National Guard in, 128
 and Napoleon, 216
 France as, 203, 224
 property rights in, 209-210
 classes in, 222
 Europe as, 225
 vs. feudal society, 229, 234-235
 and constitution, 232-233
 Class, 27, 47-48, 57
 Stein on, 12, 29, 38
 development of, 60-66, 265-267
 and education, 71
 and theory of revolution, 78, 80

- in acquisitive society, 222, 227, 244
and civil war, 230-231
moneyed, 227, 232
in industrial society, 247-248, 256,
258-259
proletariat as independent, 268-269,
274, 276, 285-286, 300-303, 308-
310, 315
antagonism between classes, 320, 348,
350, 359, 362, 376, 379, 381-382,
386-387, 391-392, 395, 398, 402,
410, 412, 414, 422, 426
mutuality of interest between classes,
362-368
struggle, and control of state, 401,
404
struggle for constitution, 416, 419-
423
see also Capitalist, Dependent class,
Entrepreneur, Labor, Lower class,
Masses, Middle class, Non-owners,
Owners, Proletariat, Ruling class
- Classe stérile*, 155
- Clergy,
and guild society, 16
in feudal society, 97-98
and third estate, 114, 116
elimination of, as estate, 136-137,
exile of, 188
See also Church
- Club des droits de l'Homme*, 378
- Club of the Cordeliers, 130
- Club of the Jacobins, 130,
see also Jacobins
- Clubs,
role of, 127-128, 130-131, 137, 150-
151
under Louis Philippe, 292-296, 300
and Republic of 1848, 377-378, 401
proletariat and, 402-404
and Provisional Government, 405,
410, 413
and social democrats, 407
and industrial reaction, 424
- Clugny, Jean Etienne Bernard, 103
- Code Civil*, 197-201
- Collectivism, industrial, 309, 314
- Comité des Egaux*, 164-165, *see also*
Society of Equals
- Committee of the New Revolution, 170
- Committee of Public Welfare, 157, 175,
403-404, 407
- Commune, 129
- Communism 32f, 37, 329
on private property, 20, 84, 301f.
- contradiction in, 84f, 166-168
and French Revolution, 159
vs. democracy, 160-164
vs. money-power, 183
as social movement, 275, 277, 282f.,
296f., 305, 388
as necessary stage in industrial soci-
ety, 283-287
Principles of, 302f.
and political parties, 312
vs. owners, 412
and social question, 418
see also, Family, and communism
- Communist Manifesto* of 1848, 26, 32
- Communists,
and Babeuf, 163, 172
and *Manifesto of Equals*, 170
and right to work, 382
on private property, 399
and April 16, 1848, 404
- Community of Men
and the state, 44-45, 53, 351
and economic life, 47, 84-85
definition of, 50-51, 56, 91
in acquisitive society, 217
among proletarians, 258-259
- Competition, free, 33, 259-260, 388-389
- Comte, Auguste 18
- Condorcet, Marie Jean Antoine,
Marquis de, 157-158, 275
- Conferences of the Luxembourg, 392,
394, 396-397, 403
- Congress of Vienna, 324
- Conservative party, 333-334, 404-405
- Considérant, Victor, 4, 396
- Constituent Assembly
See National Assembly
- Constitution,
relationship to law, 14, 19, 91
and labor, 23, 87, 90
relationship to state, 52, 57, 64-68
and ruling class, 58-60, 350-351
and property qualifications, 78-79,
123-125
in social democracy, 88
relationship to society, 111-112, 120,
135, 144-145, 188-189, 201,
225-227, 241, 319, 419-423, 429
- Napoleonic, 203-205
in acquisitive society, 218, 221
civil vs. democratic, 222, 229f
in civil society, 233
in industrial society, 250-251, 290,
408
and monarchy of Louis Philippe,
336-337

- relationship to administration,
420-423
- Constitution of 1791, 18, 142
and *Declaration of Rights of Man*,
118, 124
and monarchy, 133-134
and bourgeoisie, 138
on equality, 156
vs. Constitution of 1795, 178-179
vs. Charter of 1814, 227
- Constitution of 1793, 18
adoption of, 143-145, 159-160, 188,
189
on equality, 150, 153, 160
and Babeuf, 163-164
Manifesto of Equals on, 170-171
- Constitution of 1795, 18, 180
and non-owners, 153
and Babeuf, 161, 171, 173
provisions of, 178, 187-190
abolition of, 184-185, 191, 194-195
- Constitution of 1799, 193-196, 201, 213
- Constitution of 1802, 195-196
- Constitution of 1848,
and ownership of property, 350
class struggle over, 415-423
contradiction in, 427-429
- Constitutionalism,
basis, 133, 250-251
and Napoleon, 179
and Europe, 226
vs. pseudo-constitutionalism, 251-253,
284, 342-345
and capitalists, 290-291, 304, 327-328
vs. personal government, 326, 328,
333, 342
and Republic of 1848, 370, 417
- Consul, 198-197
- Consul, First, 201
- Convention of 1793, 157, 175-176
- Corn trade, 102-103, 154
- Corporations, 60
- Council of the Elders, 178, 187, 194
- Council of the Five Hundred, 178, 184,
187, 194-195
- Courtais, Aimable Gaspard Henride, 410
- Couthon, Georges, 152
- Credit Organization, 87, 358-359, 412
- Cromwell, Oliver, 192
- Danton, Georges Jacques, 130, 142-143,
147-149
- Darhé, Augustin, Alexandre, Joseph,
163, 172
- Declaration of the Rights of Man*,
and National Assembly of 1789,
118-121
- and feudalism, 124
and Constitution of 1799, 196
and Germany, 224
and *Société des Droits de l'Homme*,
295
and National Assembly of 1848, 407
- Democracy,
concept of, 143-144, 146, 151
vs. communism, 160, 163-164
and Lyon revolt, 294
vs. republicanism, 313-315
and popular sovereignty, 346
and popular representation, 400
and April 16, 1848, 404
vs. industrial reaction, 425
and election of Louis Napoleon,
426-427
- Democratic party,
and role of state, 67
and proletariat, 89
vs. conservatives, 334
and *National*, 392
and bourgeoisie, 402
elections of 1848, 405
and mob revolt, 415-418
- Democrats, 163-164, 170
- Denjay, 426.
- Denmark, 3-5
- Dependency,
as condition of individuals, 46-48,
54-55, 64, 91
types of, 48-49, 65
based on property, 60, 84, 154, 343
based on social order, 68, 80, 242,
244, 319
effect on state, 88
in industrial society, 256, 416
- Dependent class,
and idea of state, 57, 66-69, 86, 356,
366
and power, 70, 76-77
struggle for freedom, 87-89, 371-172
in industrial society, 260-262, 355-359
and Provisional Government, 376
and constitution, 420
See also Class, Labor, Non-owners,
Proletariat
- Descartes, René, 281
- Desmoulins, Camille, 130, 149
- Despotism,
enlightened, 53
of the proletariat, 90
of feudal society, 108
under communism, 167-168
of Napoleon, 191
in Germany, 224

- Deutsche Allgemeine Zeitung*, 5
Deutsche Vierteljahrsschrift, 5
 Dictatorship, 369
 origin of, 90, 193
 of Napoleon, 191-192
 social, and proletariat, 400, 402
 and Provisional Government, 403
 and rule of Cavaignac, 418-419
 Diderot, D., 275, 281
 Dietzel, Carl, 35
 Directory,
 and Babeuf, 162-163, 177
 and *Manifesto of Equals*, 171-172
 action against conspiracy, 172-173
 reflecting relationship between society
 and state, 177-179, 194
 period of consolidation, 180-181,
 189-190
 activities against, 184-185
 and army, 187
 and Napoleon, 194-195
 Duchatel, Gaspard, 342
 Dühring, Eugen, 30-31
 Dumouriez, Charles, Francois, 142
 Dupot, 314
 Duprat, Pascal, 415
 Duvergier de Houranne, 423
 Duveyrier, Charles, 396
 Economy, 46-47, 240, 245
 Edict of 1779, 119
 Education,
 class patterns and, 12, 38
 and property rights, 16-17, 122-123
 and social independence, 71-73, 88
 for workers, 82, 358, 363
 and *status naturalis*, 107
 and equality, 140, 315
 and *Comité des Egaux*, 165
 and Napoleon, 207
 in industrial society, 258, 365
 laws of Louis Philippe, 338
 struggle over, in 1848, 417, 421
 Egypt, 194
 Elections,
 and Constitution of 1795, 184
 and Charles X, 234
 Law of 1831, 251-252, 293-294
 and corruption of Chamber of Deputies,
 312
 and Provisional Government of 1848,
 399-406
 See also Reform, electoral
 Emigrants, 134-137, 188, 229
 Empire, of Napoleon, 181, 193, 201-202,
 205, 216
 Engels, Friedrich, 25, 29-32, 36
 England, 5, 31-32, 110
 role of state, 108
 and Napoleon, 191, 202
 constitutional monarchy, 255, 333,
 355
 pauperism in, 265
 industrial society in, 267-268, 321-
 322
 and republicanism, 287
 ruling class in, 327, 355
 Entails, 60, 207, 209, 213
 Entraigues, Count, 187
 Entrepreneur, 212, 245, 259-260, 354
 Equality,
 as goal, 16, 24, 88, 283
 and personal independence, 19, 38, 91
 and education, 71-72, 82
 vs. property, 83-84, 123, 153-158,
 164-165, 169
 and law, 104-105, 180, 199-201,
 210-213
 concepts of, 106-107, 116, 139-142,
 312, 314
 and National Assembly of 1789, 118,
 131, 173
 and civil society, 124
 vs. property qualifications, 125
 and Constitution of 1793, 143-145,
 147, 150, 160
 Marat on, 148-149
 in army, 185
 legal, of individual, 239-240
 and industrial society, 273, 284, 351
 and Republic of 1848, 372
 Estate, 61-63, 66
 proletariat as, 274
 in industrial society, 322
 See also Third Estate
 Estates, General, 113-115
 Etats Generaux
 See Estates General
 European society,
 emergence of, 16
 class structure of, 63
 contradictions within, 83
 problems facing, 93
 impact of National Assembly of 1791,
 134-135, 138
 impact of Napoleon, 179, 202-210
 feudal state of, 223-226
 and types of monarchy, 321-322
 as industrial society, 359, 368
 Executive Commission
 of National Assembly of 1848,
 408-416
 Falloux, Frederick A. Pierre, 413

- Family,
 target for social reform, 19
 and role of individual, 49-50
 and class position, 61
 in acquisitive society, 216
 in industrial society, 258, 271-277,
 284
 and socialism, 279
 and communism, 285, 301-302
 and democratic party, 406
 Faubourgs, 153, 159
 February Revolution,
 See Revolution of 1848
 Ferguson, Adam, 27
 Feudalism,
 and French Revolution, 19, 135
 and July Revolution, 21
 Privileges under, 59, 123, 166f, 209
 in France, 101-106, 181-184, 229,
 234-235
 downfall of, 115-124
 monarchy and, 134
 and law, 199-200
 nobility under, 208
 in Europe, 223-226
 and poverty, 262
 remains of, in National Assembly of
 1848, 412-413
 Fichte, Johann Gottlieb, 3, 37, 281
 Flocon, Ferd., 372, 377-379, 392, 414
 Flotard, 288
 Földes, Bela, 27
 Fourier, Charles, 275-276, 281, 306,
 308, 390
 Fourierism, 387, 396
 France,
 and Stein, 3-5, 12, 18-25, 33
 as model of history of society, 94-96
 feudalism in, 101-106, 181-194, 229,
 234-235
 after Robespierre, 173-179
 under Napoleon, 197-201, 214-215,
 222-224
 vs. European society, 202-210,
 224-226
 Restoration in, 249
 monarchy in, 321-322
 and ruling class in industrial society,
 355
 Franchise,
 property right, 60
 Free enterprise system, 60-61, 239-243
 Freedom,
 struggle for, 15-16, 66, 91, 373-374
 and constitutional rights, 19
 first principle of state, 64
 and acquisition of property, 69, 79,
 259, 271
 definition of, 71
 contradictions in society, limiting, 88,
 235, 348, 361, 416
 and censorship, 165-166, 315
 and Napoleon, 191
 in acquisitive society, 218, 240
 in industrial society, 254-256
 See also Liberty
 French Revolution, 18, 275
 and equality, 19, 20, 159, 210
 inevitability of, 95
 and National Assembly of 1789, 117
 and idea of new social order, 134
 year of terror, 143, 144
 and agricultural problem, 175
 See also Revolution
 Fructidor, 18th, 181-192, 187-188,
 191-193
 Gallic Society, 294
 Garnier-Pagès, Louis Antoine, 409
 Gegenwart, 5
 Germany, 249
 Stein's studies on, 5-6, 25-39
 social sciences in, 11, 93
 and free constitution, 53
 problem of unification, 94-95
 philosophy in, 107, 109, 281
 lack of civil law, 200
 and Napoleon, 205
 and Kalisch, 223-224
 and communism, 286
 and universal suffrage, 360
 Gilbert, Felix, 36
 Gironde, 137, 140-148, 153, 176
 Gneist, Rudolf von, 35
 Goldschmidt, L., 14
 Gothein, Eberhard, 17, 33
 Grotius, Hugo, 104
 Government Commission for the Work-
 ers, 394, 396-397, 410
 Government, parliamentary, 341, 348
 Government, personal, of Louis Philippe,
 304, 312, 325-326, 330-345
 Grün, Karl, 29, 30, 32
 Grünfeld, Ernst, 17, 33
 Guard Mobile, 405
 Guilds, 60-63, 102-103, 145, 190, 212
 Guizot, Francois, 292-293, 314, 341-344
 Cumpłowicz, Ludwig, 17, 18
 Heberle, Rudolf, 28
 Hébertistes, 148-149
 Hegel, Georg Wilhelm Friedrich

influence on Stein, 3, 4, 11, 13, 26, 31, 37
 and Marx, 11, 17, 26, 28
 on civil liberty, 20
 on French Revolution, 144
 Helvetius, Claude Adrien, 107, 156, 158, 275, 281
 Hess, Moses, 29, 32
 Hildebrand, Bruno, 35
 Hobbes, Thomas, 104, 109, 154
 Hôtel de Ville, 345, 401-404
See also Provisional Government
 Huber, E. H., 18
 Huber, Victor Aimée, 35, 410
 Hubert, A., 310, 418
 Independence,
 as goal of individuals, 15, 55, 68
 and constitutional rights, 19
 of lower classes, 70-71, 87
 capital as reality of, 92
 in acquisitive society, 218
 in industrial society, 257-259
 Individual,
 and role of state, 13, 15, 58, 62, 64, 86-87, 195, 220
 and community, 44-45, 50-51
 and family, 49-50
 relationship of individuals in society, 54
 and ownership of property, 81, 346-347
 under communism, 84-85
 and philosophy of law, 104
 and *Declaration of Rights of Man*, 119
 and concepts of equality, 139-141, 145, 210-213, 239
 in period of Directory, 180-181
 and *code civil*, 198-201
 in acquisitive society, 218
 Industrial working class,
 See Proletariat
 Industrial society, 32, 35
 new political force, 19, 21, 243-251, 337
 and constitutional republicanism, 22-23, 39, 252-253
 and proletariat, 24, 28, 38, 257-259, 354-356
 contradictions in, 254-256, 270, 273-277, 283-286, 297, 322, 362-363, 416-417
 panperism in, 262-263
 in England, 267-268
 capitalists in, 290-291
 democracy in, 313-315

and July Monarchy, 319, 325-326
 class antagonisms in, 327-328, 351, 370, 395, 429
 concept of ownership in, 350-351
 ruling class and, 352-355
 mutuality of class interests in, 367
 right to work in, 422
 as ruling power, 423-424
 Industrialism, 17, 34-35
 Insurrection, 79
 Intellectual goods, 71, 82, 91
 see also Education
 Interest, *see* Self interest
 Italy, 186-187, 205
 Ito, Hirobumi, 8, 9
 Jacobins, 141, 153, 159
 Japan, 8-9
 Jena, University of, 3
 Jesuits, 155
 Jeunesse Dorée, 153, 159
 Joubert de l'Hérault, 183
 Journal de Rouen, 408
 Journal du Peuple, 314, 387
 Judges,
 and *code civil*, 201
 July Monarchy
 See Louis Philippe
 July Revolution, 18, 96, 292
 end of feudalism, 21, 235
 origin of, 219, 239
 consequences of, 240-243, 253-255
 and industrial society, 273, 288-291, 296-297
 See also Revolution of 1830
 Kalisch, Proclamation of, 223
 Kant, Immanuel, 281
 Ketteler, von Bishop, 35
 Kiel, University of, 3-6
 Knies, Karl, 35
 Koigen, David, 27
 Labor, 16, 45, 47, 72
 relationship to capital, 19f., 22, 38f., 80-82, 85f., 88, 91, 126, 270, 291, 297, 300, 302, 310, 327f., 351, 354, 362-368, 370
 as independent class, 23, 268f., 315
 and property, 74, 79, 84, 92, 167, 349-350, 361
 and acquisition of property and capital, 120, 259, 273, 284, 346-347, 349-350, 355-356, 357-358, 361, 363-365, 428
 in acquisitive society, 212, 217, 221
 and industrial society, 246, 257-259, 354, 424
 and socialism, 279

and the Revolution of 1848, 344-345
 and profits, 363
 demands on Provisional government, 380, 406
 struggle over constitution of 1948, 416-423
See also Class, Dependent Class, Low-Class, Non-Owners, Proletariat
 Labor organization, 358-359, 412, 418
 Lacroix, Jean Charles, 106
 Lafayette, Marie Joseph Paul, Marquis de, 110, 127, 130, 288
 Lalanne, Etienne, 413
 Lamarque, General, 294
 Lamartine, Alphonse de, 142, 148, 341, 371
 and Provisional Government, 373-374
 and right to work decree, 393, 423
 and proletariat, 401-402
 and National Assembly of 1948, 407-409
 Land tax, 112
 Lassalle, Ferdinand, 32, 34-35
 Lavallée, Joseph, 105, 150, 183, 194
 Law, 5, 8
 relationship to constitution, 14, 19, 91, 195
 and property, 14-15, 74
 relationship to state, 101, 188, 197, 367
 philosophy of, 103-107
 Public law and third estate, 111
 equality before the, 180, 210-213, 240
 and *code civil*, 198-199
 of September, 1835, 296, 332-333
 on education, under Louis Philippe, 338
 Le bon sens, 387, 388
 Ledru-Rollin, Alexander Auguste, 311, 314, 341
 and Provisional Government, 377-379, 392, 401-404
 and National Assembly of 1848, 407
 and Executive Commission, 409-411
 and reactionaries, 425
 and election of Louis Napoleon, 426
 Legion of Honor, 207
 Legitimacy, 322-333
 Legitimists, 417
 Leroux, Pierre, 359
 Liberty,
 and socialist society, 20
 and dictatorship of proletariat, 21, 89
 and theory of society and state, 88, 220, 283

and ownership of property, 80-82, 271, 284
 impact of education on, 88
 and self interest, 93
 and equality, 158
 and Napoleon, 207
 and Louis XVIII, 231
 and industrial society, 273-274
See also Freedom
 Linquet, Simon Nicolas Henri, 154
 Louis XVI, 231
 reign of, 101-106, 135-138, 206
 and third estate, 114-115
 and serfs, 106, 119
 flight of, 130
 Louis XVIII, 224-225, 228-232
 Louis Napoleon, 427-429
 Louis Philippe, 21, 322
 and bourgeoisie, 22, 33, 323-324
 and the July Monarchy, 215, 235, 239, 318, 321
 and constitutional monarchy, 255, 291-293
 and capitalists, 289-290
 personal government of, 304, 314, 328-331, 338-345, 369
 legitimacy of, 324-326
 vs. ruling class, 330-345
 Lower class, 311-312, 319-320
 see also Class, Dependent Class, Labor, Non-owners, Proletariat
 Lykurgus, 15
 Lyon revolt, 294, 298
 Mably, Abbé Gabriel Bonnot de, 156-158, 275, 277
 Maistre, Joseph de, 141
 Malesherbes, Chrétien Guillaumet, de, 103
 Manifesto of Equals, 170-172
 Marat, J. P., 147-149
 Marchet, P., 8
 Marcuse, Herbert, 37
 Maréchal, Pierre Sylvain, 163, 170
 Marie, Pierre Thomas Alexandre, 409
 Martial Law of 1790, 129-131
 Marx, Karl,
 and Hegel, 11, 17
 and Stein, 12-13, 25-36
 Masaryk, Th. G., 26
 Masses, 139-143, 162-163, 170
 see also Dependent class, Labor, Lower class, Non-owners, Proletariat
 Materialism, economic, 25, 33, 37, 247-248, 302
 Mehring, Franz, 30

Menger, Carl, 10
 Meyer, Robert, 32
 Middle class, 293, 296, 299
see also Class
 Mignet, Francois Auguste Marie, 177, 179, 181-182
 Mirabeau, C. H. R., Comte de, 118, 130, 147
 Mohl, Robert, 18, 32, 33
 Monarchy, 19
 as perfect state, 13, 22, 38, 53-54, 131-132, 228, 254, 319-321, 347, 352
 vs. proletariat, 21
 under feudalism, 108
 and Third estate, 111, 117, 132
 and Constitution of 1791, 133-134
 destruction of, 139, 371
 and Constitution of 1795, 178-179
 and Napoleon, 206
 and Louis XVIII, 229
 constitutional, 233-234, 254-255, 290, 298, 300
 of Louis Philippe, 322-323, 328-345
 and industrial society, 355, 359-360, 369, 424
 and elections of 1848, 406
 and reactionaries, 415-417
 Money, in industrial society, 247, 312
see also Class, moneyed
 Monopoly, 60-61, 145, 212
 Montagnards, 140-143, 163, 170-172
 Montagne,
 see Montagnards
 Montesquieu, Charles Louis, 10, 27, 108, 113, 133, 249
 More, Sir Thomas, 272, 348
 Moreau, Jean Victor Marie, 191
 Morelly, 272
 Mucke, Friedrich, 27
 Mutuality of class interests in industrial society, 362-368, 370, 417
 Napoleon, Bonaparte, 18, 151, 179, 216, 375
 relationship to army, 186-187
 relationship to society, 190-193, 240, 243
 as administrator, 193-198, 201-202, 220
 and European society, 202-205, 223
 as Emperor, 206-210
 and acquisitive society, 211-215, 337
 and France, 218-219, 222-224, 234
 and legitimacy, 324
 Nation, concept of, 117, 121-122, 126, 129

National, 299, 314, 387, 392, 405, 406, 414
 National Assembly of 1789, 114-121, 129-131, 134-137, 173
 National Assembly of 1848, 399-400, 407-412
 National Convention of 1792, 139
 National Guard
 in civil society, 127-130, 137-139
 under Louis Philippe, 292, 294, 296, 339
 and Revolution of 1848, 343-344
 and Decrees of Provisional Government, 381-382
 and revolt of April 16, 1848, 403-404
 and bourgeoisie, 408
 vs. proletariat, 410
 National party, 372-373
 National Workshops, 169
 and night to work, 22-23, 382-387
 Provisional Government, 405, 411-415
 Necker, Jacques, 106, 112, 113, 154
 Nietzsche, Hans, 17, 33, 36-37
 Noailles, Louis Marie Antoinette, Comte de, 117-118
 Nobility,
 and guild society, 16
 vs. third estate, 19-20, 112, 116
 in feudal society, 99, 100, 103, 108
 abolition of, 145, 226
 exile of, 188
 and Napoleon, 206-208
 Noiret, Charles, 307
 Non-owners, of property
 class position of, 12, 48-49, 63, 262
 and universal suffrage, 23, 360
 attitudes on property, 55
 dependency of, 69
 vs. owners, 80-84, 128, 133, 154, 159, 258-259, 269, 271, 284, 297, 348, 354, 360-362, 376, 379, 387, 399
 constitution for, 87
 as rulers, 138-139
 and Napoleon, 214
 in acquisitive society, 218
 in industrial society, 256, 322
 and education, 358, 363
 North America, 110, 274, 418
 Norway, 255
 Notables, 112-114
 Nowak, 5
 Nussbaum, Arthur, 8
 Occupation, 12, 16, 47-48, 217
 Oppenheimer, Franz, 17

Organization du travail, 307, 388, 390, 404
 Orleans, Duke of, 289, 414
See also Louis Philippe
 Orleans dynasty, 417
 Owners of property, 55, 93
 class position of, 12, 48-49, 63, 261
 power of, 69, 89-90
 vs. non-owners, 80-84, 128, 133, 154, 159, 258-259, 269, 271, 284, 297, 348, 354, 360-362, 379, 398-399, 404, 408, 411-412, 419, 423, 428
 vs. Louis Philippe, 339-345
 constitutional qualifications, 351-352, 420, 428
 and National Guard, 381-382
 and National Workshops, 386-387
 vs. Louis Blanc, 394-395
 and National Assembly of 1848, 400, 409
 and elections of 1848, 405-406
 Ownership, collective, 158
see also Property, ownership
Parti de la cour, 333
see also Chamber of Deputies
Parti parlementaire, 333
see also Chamber of Deputies
 Pascal, Blaise, 155
 Pauperism, 262-265, 278
 Pecqueur, Constantin, 396
 Personality, 50
 and role of state, 62, 67, 132
 and ownership of property, 80-81, 346, 350
 conditions for realization of, 91-92, 360-361
 under feudalism, 100
 in acquisitive society, 239
 Peupin, 409
 Physiocrats, 155
 Pichegru, Charles, 184
Place de la Bastille, 409-410
 Plato, 15, 271, 272, 348
 Plenge, Johann, 28
 Poland, 205
 Political parties,
 emergence of, in France, 192-193
 and communism and socialism, 312
 and monarchy of Louis Philippe, 333-335
 and election of Louis Napoleon, 427
 Popitz, Johannes, 7
Populaire, 299
 Popular sovereignty, 160
 and relationship of state to society, 13, 22
 as concept of state, 109, 118, 126, 129, 138, 346-347, 351, 357, 359
 contradictions of, 131, 143-144
 and reform movement, 309, 315
 and Republic of 1848, 370, 372
 and Provisional Government, 399
 and class antagonisms, 412-413
 Poverty, 84-85, 91, 174-175, 262-265, 278
 Power, 76-77, 89, 107-108, 147, 190-197
see also Ruling class
 Presidency, 353, 357, 426-428
 Press,
 censorship of, 166, 231, 234
 and Napoleon, 207
 republican, 299
 freedom of, and democracy, 315
 and Louis Napoleon, 332-333
 and Republic of 1848, 377-378, 410
 and industrial reaction, 424
 Primogeniture, 60, 120, 136, 207
 Privileges,
 and ruling class, 61-62
 in feudal society, 99, 108
 and third estate, 110, 117
 and National Assembly of 1789, 114-120, 134, 137
 abolition of, 145, 212
see also Social Right
 Profit, 60-61, 81, 220, 259, 363
 Proletariat, 19
 role of, 20-21, 26, 27
 and monarchy, 21, 334, 369
 and National Workshops, 23, 382-387
 and industrial society, 24, 38, 256-262
 as ruling class, 29, 89-91, 393
 and property, 91-92, 273, 326
 in France, 96
 as distinct class, 268-269, 274, 276, 285-286, 300, 301-303, 308-310, 315, 376-377, 386-387, 398, 402
 relation to capitalists, 275, 410-411
 and socialism, 278-279
 and communism, 286, 302-303
 and Lyon revolt, 294
 and republicans, 295-301
 and social democracy, 304-305
 vs. ruling class, 345, 419
 vs. elections of 1848, 399-400
 demands of, and Chamber of Deputies, 1848, 404-407, 411-412
 Property,
 and the social order, 12, 14-16, 55, 60f, 119, 211, 240, 244, 270f, 277, 349, 352, 406

- types of, 46-48, 55f
 as conditioner of personality, 47, 91, 166, 346
 in feudal society, 98, 117, 123, 352
 Turgot's policy on, 102
 taxes on, 112, 221
 in relation to labor and acquisition, 120, 259, 273f, 346f, 349f, 355-361
 of the Church, 136
 and equality, 140, 153-155, 173, 211-215
 abolition of, 156-158, 161, 164f, 179, 271f, 276, 301f
 and industrial society, 255f
 and liberty, 255, 271
 and socialism, 278, 399
 and communism, 285, 301f, 399
see also: Owners, of property
- Property qualifications, constitutional basis for, 78-79, 351-352, 428
 for voting, 123-124, 293-294, 297
 taxes as, 221, 251-252
 for Chamber of Deputies, 226
 for citizenship, 227-228
 for parliamentary representation, 249-250
 and rule of capitalists, 329-330, 334-335
- Property rights,
 vs. equality, 16-17, 19-20, 34, 79, 84, 153
 constitutional basis for, 59, 123-126
 and power of ruling class, 69-71, 74
 and revolution, 79
 and third estate, 189-190
 and *code civil*, 199
 and Napoleon, 207
 under civil society, 209-210, 240
 in acquisitive society, 218
 and Chamber of Deputies, 226
 in industrial society, 273-274
- Property owners,
see Ruling Class, Capitalists, Entrepreneurs, Owners
- Propertyless class,
see Dependent Class, Labor, Lower class, Masses, Non-owners, Proletariat
- Proudhon, Pierre Josef, 31, 348, 356, 400, 415, 422, 425-426
- Provisional Government, 370
 activities of, 372-373, 380-382
 contradictions in goals of, 374-377
 Decrees of, 1848, 380-383, 413
 and National Workshops, 382-387
 and proletariat's demands, 392-394
 role in class struggle, 399-402, 405, 408-413
- Prussia, 4-5, 135, 204, 321
 Public domains, 121
 Public Finance, 5, 7-8
 Public workshops
see National Workshops
- Pnfendorf, Samuel, Freiherr von, 109
- Pythagoras, 15
- Raspail, 418
 Reaction, 230-232, 424-425, 429
 Reactionaries, 413-425
 Reform-banquets, 340-342
 Reform, electoral,
 and bourgeoisie, 304, 312
 and *L'Atelier*, 309
 and democracy, 314
 and domination of monarchy, 334
 and Revolution of 1848, 340
 and ruling class, 371
see also Elections
- Reform movement, 303-304, 309-311, 334
 Reform, political, 75, 79, 305
 Reform, social,
 reasons for, 34, 37, 68, 314-315
 as social movement, 88, 91-93, 277, 303, 306
 and communism, 305
 publications of, 306-311
 and monarchy, 320, 328, 329
 state support for, 366, 382-383
Reforme, 314, 392
- Reign of Terror,
See Terrorism
- Republic, concept of, 65, 132, 138, 143-144, 353
 Republic of 1793, 178
 Republic of 1795, 178-179
 Republic of 1848, 18, 350
 reasons for, 369-370, 371
 elections for, 400, 406
 and Constitution for, 419-420
- Republicanism,
 as political goal, 21, 87, 276
 under Louis Philippe, 22, 291-298
 and censorship, 166
 nature of, 287, 291-292
 defeat of, 294-296, 301, 304
 legacy of, 299-300
 vs. democracy, 313-315
 vs. rule of the capitalists, 330
- Republicans,
 radical, 163
 and equality, 169, 293
 and *Manifesto of Equals*, 170
 and clubs, 292

- and army, 187
 and revolt of June, 1832, 294
 and proletariat, 295-301
 and Revolution of 1848, 379-380
 proposals of, in 1848, 408
 vs. reactionaries, 414, 416
- Restoration, 215, 228-232, 249, 283, 288-289
- Revolt, 79
 laws against, 129
 in Lyon, 294, 298
 of June, 1832, 294
 March 17, 1848, 401, 403
 April 16, 1848, 403-404
 May 15, 1848, 410
 June 24, 1848, 415-417
- Revolution, 68, 75-79, 88, 275, 312
 Revolution of 1830, 95, 242
see also July Revolution
- Revolution of 1848,
 reasons for, 95, 242, 275, 339-345
 and political freedom, 374
 and republican party, 379-380
 and National Guard, 381-382
 and proletariat, 398, 410
- Revue du progrès*, 388
- Reybaud, Louis, 4, 269, 272, 306
- Reynaud, Jean, 396
- Robespierre, Maximilian, 375
 on revolt, 129
 rule of, 142-143, 149-155
 on equality, 147-148
 on property, 157, 295
 fall of, 159, 161, 173-179
 and Babeuf, 162-163
 and Napoleon, 151, 190, 196
- Roscher, Wilhelm, 35
- Rousseau, Jean Jacques, 27, 65, 177, 266, 272, 275, 277
 on equality, 107, 155-156
 on popular sovereignty, 109-110
 influence on Robespierre, 149-150
 on property, 157-158
 on government, 348-349
- Royalism, 187, 190, 194
- Ruling class,
 relationship to state, 57-62, 64-65, 254-255, 319-321, 327, 347-348
 and social dependence, 68
 and power, 76-77
 vs. proletariat, 89, 344-345
 in industrial society, 249-250, 261, 352
 and Louis Philippe, 322-323, 330-339, 341-345, 369
 and political freedom for workers, 371
- and Provisional Government, 376
 and Chamber of Deputies of 1848, 409
 owners as, 428
see also Capitalists, Class, Entrepreneurs, Owners
- Russia, 204, 222
- Saint-Just, Louis, de, 152
- Saint-Simon, Henri de, 20, 388
 influence on Stein, 6, 26-27, 30
 and socialism, 275-276, 281, 306, 390
- Saint-Simonism, 288, 299, 387, 396, 418
- Sand, Georges, 314
- Schäffle, Albert, 7
- Schleswig-Holstein, 4-5
- Schmitt, Carl, 17, 39
- Schmoller, Gustav, 9-10, 35
- Secret societies, 288, 300, 307
- Sedition, 79
- Self-interest,
 as principle of society, 55, 64, 93, 281
 in acquisitive society, 219
 in industrial society, 252, 254
 and popular sovereignty, 346
 and acquisition of property, 362
 mutual between capital and labor, 364-368
- Sénatus Consulte Organique* of 1802, 193, 196-197, 207
- Sénate Conservateur*, 196
- Serfs, 106, 119-120
- Sieyès, Abbé, 110, 121, 188, 191
- Simkovitch, Vladimir, 27
- Slavery, 262
- Smith, Adam, 266-267
- Social contract, 109, 156
- Social democracy, 311
 as movement of social ideas, 86-88, 425, 429
 and universal suffrage, 90
 and Revolution of 1848, 95-96
 origins of, 304-305
 and property owners, 363
 and mutual interest of classes, 367
 and Louis Blanc, 391-392
 and elections of 1848, 400, 406-407
- Social movement, 21, 87, 287
 Stein's theory of, 4-7, 15, 39, 83, 88, 244
 and ownership of property, 79-83
 in France, 94-95, 234-235, 283
 in Germany, 94-95
 after July Revolution, 241-243, 296-297
 and utopias, 272
 in industrial society, 273-277, 429

- relation to state, 11-12, 51-52, 54-58, 62-63, 67, 111-112, 139, 142-143, 177-179, 201, 220, 239, 319, 335, 336, 347, 349
- concept in political theory, 43, 50, 127, 210-211
- as community of individuals, 51, 351
- and self-interest 64, 93, 346-347
- and political reform, 75
- contradictions within, 83, 122, 241, 244, 351, 359, 411-412
- inequality in, 107
- constitution conditioned by, 121, 134, 144-145, 188-189, 225-227, 241, 419-423, 429
- Robespierre on, 149
- communism on, 166
- and Napoleon, 190-193, 202-205, 211-215
- and property, 240, 245, 270-272
- and socialism, 279, 282
- and Louis Philippe, 337-338
- and class rule, 348
- democratic party on, 406
- and class antagonism, 414-415
- Society of Equals,
see *Société du Panthéon*
- Sociology, 17-18
- Solon, 15
- Sombart, Werner, 26, 30
- Spain, 205
- Spencer, Herbert, 17
- State, 28
- Stein's concept of, 6, 11-15, 18-22, 37, 91, 132, 320
- and state administration, 15, 35, 69, 375, 391-392, 420-423
- relation to society, 51-52, 56-58, 62-63, 67, 75-76, 111-112, 139, 142-143, 177-179, 201, 220, 239, 284, 319, 335-336, 347, 349
- vs. ideal state, 56-57, 66-67
- as community of individuals, 45, 51, 64, 351
- and legitimization of estate, 61-62
- and ruling class, 62-65, 327, 336-339
- and working class, 86, 89, 276, 356-359
- under feudalism, 100-103
- contradictions in role of, 101, 104-107
- and army, 127-128
- and Robespierre, 149
- as distributor of goods, 167, 367
- and Napoleon, 190-198
- in acquisitive society, 219
- and proletariat, 304-305
- and Republic of 1848, 373, 406-407, 413
- and right to work, 422
- Social order,
see Society
- Social party, 334-335, 426-427
- Social question, 242, 299
- relationship between capital and labor, 23-24, 38, 92
- and Ledru-Rollin, 311-312
- and equality, 314-315
- and Lamartine, 374
- role of state on, 389-390
- democratic interest in, 406, 418, 425
- and Chamber of Deputies of 1848, 409
- republican interest in, 414
- and industrial reaction, 424
- Social rights,
and the social order, 21, 63, 68, 73-74
- concept of, 61
- in industrial society, 327-329
- universal suffrage as, 428
- see also Privilege
- Social science,
Stein's ideas on, 12, 25, 34, 93-94
- and socialism, 278
- and communism, 286
- and scientific approach to social problems, 306
- and government, 349
- Socialism,
and Stein's social philosophy, 4, 33
- on private property, 20, 86
- in Germany, 32
- contradictions in, 85-86
- on distribution of goods, 167
- and pauperism, 265
- as social movement, 275-282, 305
- relationship to communism, 283
- and intelligentsia, 303
- and political parties, 312
- and National Workshops, 386
- state, 389-392, 404
- vs. owners, 412
- Socialists, 32, 39, 399
- Société des Amis du Peuple*, 294, 295
- Société des Droits de l'Homme*, 294-296, 300, 407
- Société du Panthéon*, 161, 162
- Society,
Stein's theory of, 4-7, 11-12, 15, 17, 20, 22, 27, 36-38, 65, 91
- and class structure, 14, 80-82
- historical development of, 16-18, 173-174, 178, 180, 429

- in industrial society, 249, 254-255, 284
- fostering acquisition of property, 346-347, 355, 358, 361
- socialism, 388-392
- class struggle for control of, 398, 401, 411-412
- and election of Louis Napoleon, 427
- Status civilis*, 105
- see also Law
- Status naturalis*, 104, 107
- See also Law
- Status quo*, 12, 38, 277
- Status, social, 211-212, 258-259
- Stein Lorenz, von
- personal history, 3-10, 36-39
- summary of his social philosophy, 6, 11-25, 33-39
- contributions to Law, Public Finance and Theory of Administration, 7-9
- evaluation by various scholars, 8-10, 17-18, 26-30, 35-37
- and Mort, 12, 25-32, 36
- and Engels, 25, 29-32, 36
- controversy with A. Wagner, 36
- Stimer, Max, 32
- Struve, Peter von, 26, 28, 29, 30
- Sweden, 205
- Taille, 112
- Talleyrand, Prince C. M., 191
- Taxes,
Stein on, 36
- in feudal society, 99-100, 120
- policies of Turgot, 102
- and third estate, 110, 116
- progressive income, 155, 158, 357-358
- in acquisitive society, 211-222, 249-250
- and participation in politics, 251-252
- and Provisional Government, 380-381
- Territorial domain, 116
- Terrorism, 90, 147, 175-176, 182, 189
- under Constitution of 1793, 144, 146
- rule of Robespierre, 151-152, 159-160
- and Babeuf's conspiracy, 173
- Thermidor, 9th of, 173
- Thiers, Adolphe, 187, 333, 419, 423
- Third estate,
and guild society, 16
- French Revolution and emergence of, 19, 114-122, 126
- vs. nobility, 20, 132
- in feudal society, 98-100, 103
- and sovereign power, 110-111, 118
- and property rights, 189-190
- victory of, 321
- Thomas, Emil, 382-385, 413
- Thouret, Jacques Guillaume, 123
- Thun, Baron Leo von, 5
- Tocqueville, Alexis, de, 423
- Tribunate*, 197, 207
- Le Tribune du peuple*, 161-162
- Tristan, Flora, 308
- Tucker, Robert, 26
- Turgot, A. R. C., 102-103, 112, 155
- Unearned income, 73, 99
- see also Capital, Property
- Unemployment, 263, 383-386
- Universal suffrage, 38
- proletariat and, 21-23
- as constitutional right, 34, 356, 360
- principle of social democracy, 87-90
- electoral law of 1831, 293
- and role of state, 313-315, 371-372, 428-429
- and National Guard, 381
- and Provisional Government, 399
- and Constitution of 1848, 427-428
- Usury, 183
- Utopia, 272, 348, 382
- Utopians, 155, 271, 306
- Vendémiaire*, 13th of, 176, 190
- Vico, Giovanni Batista, 27
- Vidal, Barthélemy, 396
- Vienna, University of, 5-6
- Villegardelle, 310
- Villeneuve-Bargemont, 307
- Villermé, L. R. 306, 307
- Vogelsang, C. V., 35
- Voltaire, F. M. A. de, 106, 107, 281
- Voting rights,
and constitutionalism, 21
- and property qualifications, 123-124, 226, 352, 428
- and civil society, 229
- and electoral reforms, 334
- see also Universal suffrage
- Waentig Heinrich, 17
- Wages, 81, 256-264, 364, 390
- Wagner, Adolf, 7, 36
- War, civil, 230-231, 359, 395
- Wasner, Baron von 3
- Weitting, Wilhelm, 32
- Wolff, Christian, 104, 105, 154
- Work,
state organization of, 86-87
- and National Workshops, 382-387
- right to, and Constitution of 1848, 393-394, 410-411, 419-423, 425
- Workers' Parliament, 382, 387

